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POLICY AND ADVOCACY COMMITTEE MEETING NOTICE
September 30, 2016
9:00 a.m.

Department of Consumer Affairs
El Dorado Room
1625 North Market Blvd., #N220
Sacramento, CA 95834

- I. Call to Order and Establishment of Quorum
- II. Introductions*
- III. Approval of the April 15, 2016, Committee Meeting Minutes
- IV. Discussion and Recommendations for Possible Action Regarding the Board's 2017 Omnibus Bill
 - a. Amend Business and Professions Code Sections 801, 801.1, and 802 – Modify Judgment and Settlement Reporting Amounts for BBS Licensees/Registrants
 - b. Amend Proposed Business and Professions Code Sections 4980.09 and 4999.12.5 – Registration Title Name Change for "LMFT" and "LPCC Applicants"
 - c. Amend Business and Professions Code Sections 4980.44, 4984.7, 4999.32, 4999.42, 4999.53, 4999.62, 4999.63, 4999.120, and Evidence Code Section 1010, subdivision (f) for a person registered as a marriage and family therapist intern and subdivision (o) for a person registered as a clinical counselor intern, and Penal Code Section 11165.7(a)(25) and (a)(40) – Changing "Intern" title to "Associate"
 - d. Amend Business and Professions Code Sections 4984.4, 4984.7, 4996.3, 4996.6, 4999.32, 4999.33, 4999.60, 4999.61, 4999.62, 4999.63, and 4999.120 – Changing the term "Examination Eligibility" to "Licensure"
 - e. Amend Business and Professions Code Sections 4984.9, 4992.8, 4989.46, and 4999.118 – Name Change Requirements



Governor
Edmund G. Brown Jr.
State of California
Business, Consumer Services
and Housing Agency
Department of
Consumer Affairs

- f. Amend Business and Professions Code Sections 4980.72, 4996.17, and 4999.60 – Requirements for Out-of-State- Licensees
 - g. Amend Business and Professions Code Section 4999.42 – LPCC Intern Registration
 - h. Amend Business and Professions Code Section 4999.53 – Passage of the Clinical Exam for LPCC Applicants without an Associate Registration
- V. Discussion and Recommendations for Possible Action Regarding Rulemaking Proposal to amend California Code of Regulations Sections 1804 – Filing of Addresses; 1805 - Applications; 1806 – Abandonment of Application; 1811 – Advertising; 1816.4 – Examination Eligibility Application Fees; and to delete California Code of Regulations Section 1805.1 - Permit Processing Times
 - VI. Discussion and Recommendations for Possible Action Regarding Proposed Supervision Language Amendments for Licensed Marriage and Family Therapists
 - VII. Discussion and Recommendations for Possible Action Regarding Proposed Supervision Language Amendments for Licensed Professional Clinical Counselors
 - VIII. Discussion and Recommendations for Possible Action Regarding Proposed Supervision Language Amendments for Licensed Clinical Social Workers
 - IX. Discussion and Recommendations for Possible Action Regarding Proposed Rulemaking to Specify Documentation Acceptable for Supervised Work Experience in the Event of an Incapacitated or Deceased Supervisor
 - X. Discussion and Recommendations for Possible Action Regarding 6-Year Limit on Experience Hours and Intern/Associate Registrations. Business and Professions Code Sections 4980.43, 4980.72, 4984.01, 4996.23, 4996.28, 4999.46, 4999.60, and 4999.100
 - XI. Status of Board-Sponsored Legislation and Update on Other Legislation Affecting the Board
 - a. AB 1917 (Obernolte): Educational Requirements for Marriage and Family Therapists and Professional Clinical Counselor Applicants
 - b. SB 1478 (Senate Business, Professions, and Economic Development Committee): Healing Arts (Omnibus Bill)
 - c. AB 1001 (Maienschein): Child Abuse: Reporting: Foster Family Agencies
 - d. AB 1808 (Wood): Minors: Mental Health Services
 - e. AB 1863 (Wood): Medi-Cal: Federally Qualified Health Centers: Rural Health Centers
 - f. AB 2083 (Chu): Interagency Child Death Review
 - g. AB 2191 (Salas): Board of Behavioral Sciences

- h. AB 2199 (Campos): Sexual Offenses Against Minors: Persons in a Position of Authority
 - i. AB 2507 (Gordon): Telehealth: Access
 - j. SB 1034 (Mitchell): Health Care Coverage: Autism
 - k. AB 796 (Nazarian): Health Care Coverage: Autism and Pervasive Developmental Disorders
 - l. AB 1715 (Holden): Healing Arts: Behavior Analysis: Licensing
 - m. AB 2606 (Grove) Crimes Against Children, Elders, Dependent Adults, and Persons with Disabilities
 - n. SB 614 (Leno): Medi-Cal: Mental Health Services: Peer, Parent, Transition-Age, and Family Support Specialist Certification
 - o. SB 1101 (Wieckowski) Alcohol and Drug Counselors: Regulation
 - p. SB 1155 (Morrell): Professions and Vocations: Licensees: Military Service
 - q. SB 1194/1195 (Hill) Professions and Vocations: Board Actions: Competitive Impact
 - r. SB 1334 (Stone) Health Practitioners: Reports
- XII. Status of Board Rulemaking Proposals
- a. English as a Second Language: Additional Examination Time: Add Title 16, California Code of Regulations Section 1805.2
- XIII. Suggestions for Future Agenda Items
- XIV. Public Comment for Items not on the Agenda
- XV. Adjournment

**Introductions are voluntary for members of the public.*

Public Comment on items of discussion will be taken during each item. Time limitations will be determined by the Chairperson. Times and order of items are approximate and subject to change. Action may be taken on any item listed on the Agenda.

This agenda as well as Board meeting minutes can be found on the Board of Behavioral Sciences website at www.bbs.ca.gov.

NOTICE: The meeting is accessible to persons with disabilities. A person who needs a disability-related accommodation or modification in order to participate in the meeting may make a request by contacting Christina Kitamura at (916) 574-7835 or send a written request to Board of Behavioral Sciences, 1625 N. Market Blvd., Suite S-200, Sacramento, CA 95834. Providing your request at least five (5) business days before the meeting will help ensure availability of the requested accommodation.

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1625 North Market Blvd., Suite S-200
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To: Board Members

Date: September 21, 2016

From: Christina Kitamura
Administrative Analyst

Telephone: (916) 574-7830

Subject: April 2016 Committee Meeting Minutes

The April 2016 Policy and Advocacy Meeting Minutes will be provided under a separate cover.

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To: Committee Members
From: Rosanne Helms
Legislative Analyst
Date: September 7, 2016
Telephone: (916) 574-7897
Subject: Proposed 2017 Omnibus Legislation

Upon review, staff has determined that several sections of the Business and Professions Code (BPC) pertaining to the Board of Behavioral Sciences require amendments. These amendments are as follows:

1. Amend BPC Sections 801, 801.1, and 802 – Judgment and Settlement Reporting Amounts

Background: Currently, healing arts licensees must report all judgments or settlements for negligence claims in excess of a certain dollar amount to his or her licensing board. For some boards, this amount is \$3,000.

For the Board’s LMFT, LCSW, and LPCC licensees, this reporting amount is \$10,000. However, there is a reference error in law. The law states Board licensees subject to “Chapter 14 (commencing with Section 4990)” are subject to this reporting requirement. While Chapter 14 refers to LCSW statute, section 4990 is a reference to the beginning of the Board’s general provisions. This error needs to be corrected.

In addition, LEPs are not included in the list of licensees that are subject to the \$10,000 reporting requirement. Instead, they are subject to the \$3,000 reporting requirement. The Board’s Enforcement Unit notes that there is no known reason why the reporting threshold should be any different for LEPs, and such a difference for only one Board license type is arbitrary and potentially confusing for staff and licensees.

Recommendation: Amend BPC §§ 801, 801.1, and 802 to correct the reference error to Chapter 14, and amend these sections to include LEPs in the \$10,000 reporting requirement amount.

2. Amend BPC Sections 4980.09 and 4999.12.5 – Registration Title Name Change for LMFT and LPCC Applicants

Background: In 2016, legislation was signed to change the “intern” title to “associate” for LMFT and LPCC registrants.

In the 2016 legislation, staff proposed language stating that any reference to a “marriage and family therapist intern” or “professional clinical counselor intern” shall be deemed a reference to an “associate marriage and family therapist” or an “associate professional clinical counselor,” respectively.

At the time the language was drafted, Legislative Counsel recommended adding a more generic statement that any reference in law or regulation to the term “intern” shall be deemed a reference to an “associate.” Although Legislative Counsel drafted this proposed language, it was not amended into last year’s bill. Therefore, staff believes it should be included in this year’s bill, ahead of the title change effective date of January 1, 2018.

Recommendation: Amend BPC §§4980.09 and 4999.12.5 to state that references in law or regulation to an “intern” shall be deemed a reference to an “associate.”

3. Amend BPC Sections 4980.44, 4984.7, 4999.32, 4999.42, 4999.53, 4999.62, 4999.63, and 4999.120, Evidence Code Section 1010, Penal Code Section 11165.7 – Changing “Intern” title to “Associate”

Background: As noted in Item #2 above, legislation was recently signed to change the “intern” title to “associate” for LMFT and LPCC registrants beginning on January 1, 2018.

Although language is being placed in the law stating that a reference to an “intern” shall be deemed a reference to an “associate,” staff has begun the process of amending the new title into law in sections that are already being amended.

Recommendation: Change the term “intern” to “associate” in sections that the Board is already planning to amend during the 2017 Legislative Session, and in certain other sections where staff believes it is critical to make the change.

4. Amend BPC Sections 4984.4, 4984.7, 4996.3, 4996.6, 4999.32, 4999.33, 4999.60, 4999.61, 4999.62, 4999.63, and 4999.120 - Changing the term “Examination Eligibility” to “Licensure”

Background: Under the Board’s previous examination structure, once applicants finished gaining all experience hours, they applied for “examination eligibility” to be able to take the two exams required for licensure.

Under the new Board’s new examination structure, applicants must take the first exam – the California law and ethics exam – while they are still registered as an intern and gaining hours. After they are done gaining hours as an intern, they submit for eligibility to take the

final exam. Because these individuals have already been eligible to take one exam, references to applying for “examination eligibility” are no longer accurate.

Recommendation: Change references in law to applying for “examination eligibility” to references to applying for “licensure.”

5. Amend BPC Sections 4984.9, 4989.46, 4992.8, and 4999.118 – Name Change Requirements

Background: Current law requires a licensee or registrant requesting a name change to submit a written request with a copy of the legal document authorizing the name change (such as a court order or a marriage certificate).

When the Department of Consumer Affairs transitioned to the Breeze database system, it began requiring applicants to also submit a copy of government-issued photo identification (such as a passport, driver’s license, or alien registration). This was done for security reasons.

Although the Department is requiring this, it is not specifically mentioned in the Board’s statutes that address name changes.

Recommendation: Amend Board statute for each license type to require that licensees or registrants requesting a name change provide a current government issued photo I.D. Additionally, add a statement to each statute that licensee or registrant must certify the information is correct by signing a statement under penalty of perjury.

6. Amend BPC Sections 4980.72, 4996.17, and 4999.60 – Requirements for Out-of-State Licensees

Background: BPC section 4996.17 outlines the licensing requirements for LCSW applicants who have education and experience gained outside of California.

The section outlines licensing requirements for those who hold a license in another state, and also allows licensees and registrants who have previously passed the national clinical exam currently accepted by the Board, to become licensed as an LCSW without having to take that same exam again.

However, these requirements do not specifically state that to qualify for the clinical exam exemption, the applicant’s license must be active and in good standing. Although this is the intent of the law, the Board has reviewed applications from individuals who held a license at one time, or who hold an inactive license.

As an example, the Board received one application where the applicant had held a license in another state, but it was expired. That individual had passed the acceptable clinical exam, but the exam was taken in the mid-1990’s.

The Board's LMFT law (BPC §4980.72) and LPCC law (4999.60) both state that a license must be valid to qualify as an out-of-state licensee applicant, but do not state that the license must be active to qualify for the clinical exam exemption. Therefore, language in all three sections has been amended for consistency: a license must be valid and in good standing to qualify as an out-of-state licensee, but it must be active and in good standing to qualify for the clinical exam exemption.

Recommendation: Amend BPC §4996.17 to do the following:

- a. Clarify that to apply as an out-of-state licensee, that license must be active and in good standing; and
- b. Clarify that to qualify for waiver of the clinical exam, an applicant with an out-of-state license or registration who has already passed that exam must demonstrate that the out-of-state license or registration is active and in good standing.

Also amend BPC §§ 4980.72 and 4999.60 for consistency.

7. Amend BPC Section 4999.42 – LPCC Intern Registration

Background: This section outlines the requirements to qualify for registration as an LPCC intern.

LPCCs are the Board's newest license type. The initial legislation to license LPCCs needed to set a start date for the Board to begin issuing registrations. This section contains that start date, which was January 1, 2011.

Recommendation: Delete the start date for the Board to issue LPCC intern registrations, as it is no longer needed.

8. Amend BPC Section 4999.53 – Passage of the Clinical Exam for LPCC Applicants without an Associate Registration

BPC Section 4999.53 specifies that a clinical counselor associate applying for licensure must pass a California law and ethics exam and a clinical exam.

However, the wording of this section does not address a situation in which the applicant is applying for licensure, but is no longer registered as an associate (These individuals may have completed their hours but longer need a registration if they are not currently practicing, or if they are working in an exempt setting.)

BPC Section 4999.55 requires both registrants and applicants for licensure to pass the California Law and Ethics Exam. However, the statutes do not specifically state that applicants for licensure are required to take the clinical exam. Regulations do designate the California law and ethics and the clinical exam as the Board's LPCC licensing exams. However, statute should specify that all applicants must pass the clinical exam.

This amendment is needed for LPCC only; it is not necessary for the Board's other license types.

Recommendation: Amend BPC Section 4999.53 to specify that to qualify for licensure, all registrants or applicants for licensure must pass a California law and ethics exam and a clinical exam. Additionally, amend the law to specify that registrants or applicants for licensure may only take the clinical exam once they meet specific criteria.

Recommendation

Conduct an open discussion about the proposed amendments. Direct staff to make any discussed changes, and any non-substantive changes, and submit to the Board for consideration as a bill proposal.

Attachments

Attachment: Proposed language

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**ATTACHMENT A
PROPOSED LANGUAGE**

AMEND BUSINESS AND PROFESSIONS CODE (BPC) §801.

- (a) Except as provided in Section 801.01 and subdivisions (b), (c), and (d) of this section, every insurer providing professional liability insurance to a person who holds a license, certificate, or similar authority from or under any agency specified in subdivision (a) of Section 800 shall send a complete report to that agency as to any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

- (b) Every insurer providing professional liability insurance to a person licensed pursuant to Chapter 13 (commencing with Section 4980), [Chapter 13.5 \(commencing with Section 4989.10\)](#), Chapter 14 (commencing with Section ~~4990~~[4991](#)), or Chapter 16 (commencing with Section 4999.10) shall send a complete report to the Board of Behavioral Sciences as to any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or by his or her rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

- (c) Every insurer providing professional liability insurance to a dentist licensed pursuant to Chapter 4 (commencing with Section 1600) shall send a complete report to the Dental Board of California as to any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

- (d) Every insurer providing liability insurance to a veterinarian licensed pursuant to Chapter 11 (commencing with Section 4800) shall send a complete report to the Veterinary Medical Board of any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional service. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

- (e) The insurer shall notify the claimant, or if the claimant is represented by counsel, the insurer shall notify the claimant's attorney, that the report required by subdivision (a), (b), or (c) has been sent to the agency. If the attorney has not received this notice within 45 days after the settlement was reduced to writing and signed by all of the parties, the arbitration award was served on the parties, or the date of entry of the civil judgment, the attorney shall make the report to the agency.
- (f) Notwithstanding any other provision of law, no insurer shall enter into a settlement without the written consent of the insured, except that this prohibition shall not void any settlement entered into without that written consent. The requirement of written consent shall only be waived by both the insured and the insurer. This section shall only apply to a settlement on a policy of insurance executed or renewed on or after January 1, 1971.

AMEND BPC §801.1.

(a) Every state or local governmental agency that self-insures a person who holds a license, certificate, or similar authority from or under any agency specified in subdivision (a) of Section 800 (except a person licensed pursuant to Chapter 3 (commencing with Section 1200) or Chapter 5 (commencing with Section 2000) or the Osteopathic Initiative Act) shall send a complete report to that agency as to any settlement or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

(b) Every state or local governmental agency that self-insures a person licensed pursuant to Chapter 13 (commencing with Section 4980), [Chapter 13.5 \(commencing with Section 4989.10\)](#), Chapter 14 (commencing with Section ~~4990~~[4991](#)), or Chapter 16 (commencing with Section 4999.10) shall send a complete report to the Board of Behavioral Science Examiners as to any settlement or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by that person's negligence, error, or omission in practice, or rendering of unauthorized professional services. The report shall be sent within 30 days after the written settlement agreement has been reduced to writing and signed by all parties thereto or within 30 days after service of the arbitration award on the parties.

AMEND BPC §802.

(a) Every settlement, judgment, or arbitration award over three thousand dollars (\$3,000) of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a person who holds a license, certificate, or other similar

authority from an agency specified in subdivision (a) of Section 800 (except a person licensed pursuant to Chapter 3 (commencing with Section 1200) or Chapter 5 (commencing with Section 2000) or the Osteopathic Initiative Act) who does not possess professional liability insurance as to that claim shall, within 30 days after the written settlement agreement has been reduced to writing and signed by all the parties thereto or 30 days after service of the judgment or arbitration award on the parties, be reported to the agency that issued the license, certificate, or similar authority. A complete report shall be made by appropriate means by the person or his or her counsel, with a copy of the communication to be sent to the claimant through his or her counsel if the person is so represented, or directly if he or she is not. If, within 45 days of the conclusion of the written settlement agreement or service of the judgment or arbitration award on the parties, counsel for the claimant (or if the claimant is not represented by counsel, the claimant himself or herself) has not received a copy of the report, he or she shall himself or herself make the complete report. Failure of the licensee or claimant (or, if represented by counsel, their counsel) to comply with this section is a public offense punishable by a fine of not less than fifty dollars (\$50) or more than five hundred dollars (\$500). Knowing and intentional failure to comply with this section or conspiracy or collusion not to comply with this section, or to hinder or impede any other person in the compliance, is a public offense punishable by a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).

(b) Every settlement, judgment, or arbitration award over ten thousand dollars (\$10,000) of a claim or action for damages for death or personal injury caused by negligence, error or omission in practice, or by the unauthorized rendering of professional services, by a marriage and family therapist, [a licensed educational psychologist](#), a clinical social worker, or a professional clinical counselor licensed pursuant to Chapter 13 (commencing with Section 4980), [Chapter 13.5 \(commencing with Section 4989.10\)](#), Chapter 14 (commencing with Section ~~4990~~[4991](#)), or Chapter 16 (commencing with Section 4999.10), respectively, who does not possess professional liability insurance as to that claim shall within 30 days after the written settlement agreement has been reduced to writing and signed by all the parties thereto or 30 days after service of the judgment or arbitration award on the parties be reported to the agency that issued the license, certificate, or similar authority. A complete report shall be made by appropriate means by the person or his or her counsel, with a copy of the communication to be sent to the claimant through his or her counsel if he or she is so represented, or directly if he or she is not. If, within 45 days of the conclusion of the written settlement agreement or service of the judgment or arbitration award on the parties, counsel for the claimant (or if he or she is not represented by counsel, the claimant himself or herself) has not received a copy of the report, he or she shall himself or herself make a complete report. Failure of the marriage and family therapist, [licensed educational psychologist](#), clinical social worker, or professional clinical counselor or claimant (or, if represented by counsel, his or her counsel) to comply with this section is a public offense punishable by a fine of not less than fifty dollars (\$50) nor more than five hundred dollars (\$500). Knowing and intentional failure to comply with this section, or conspiracy or collusion not to comply with this section or to hinder

or impede any other person in that compliance, is a public offense punishable by a fine of not less than five thousand dollars (\$5,000) nor more than fifty thousand dollars (\$50,000).

AMEND BPC §4980.09.

(a) (1) The title “marriage and family therapist intern” or “marriage and family therapist registered intern” is hereby renamed “associate marriage and family therapist” or “registered associate marriage and family therapist,” respectively. Any reference in statute or regulation to a “marriage and family therapist intern” or “marriage and family therapist registered intern” shall be deemed a reference to an “associate marriage and family therapist” or “registered associate marriage and family therapist.”

(2) Any reference in statute or regulation to the term “intern” shall be deemed a reference to an “associate.” Any reference in statute or regulation to the abbreviation “MFTI” shall be deemed a reference to an “AMFT.”

(b) Nothing in this section shall be construed to expand or constrict the scope of practice of a person licensed or registered pursuant to this chapter.

(c) This section shall become operative January 1, 2018.

AMEND §4980.44.

An unlicensed associate marriage and family therapist ~~intern~~ employed under this chapter shall comply with the following requirements:

(a) Possess, at a minimum, a master’s degree as specified in Section 4980.36 or 4980.37, as applicable.

(b) Register with the board prior to performing any duties, except as otherwise provided in subdivision (h) of Section 4980.43.

(c) Prior to performing any professional services, inform each client or patient that he or she is an unlicensed registered associate marriage and family therapist ~~registered intern~~, provide his or her registration number and the name of his or her employer, and indicate whether he or she is under the supervision of a licensed marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or a licensed physician and surgeon certified in psychiatry by the American Board of Psychiatry and Neurology.

(d) (1) Any advertisement by or on behalf of a registered associate marriage and family therapist-~~registered intern~~ shall include, at a minimum, all of the following information:

(A) That he or she is a registered associate marriage and family therapist-~~registered intern~~.

(B) The ~~intern’s~~associate’s registration number.

(C) The name of his or her employer.

(D) That he or she is supervised by a licensed person.

(2) The abbreviation ~~“MFTI”~~ “AMFT” shall not be used in an advertisement unless the title ~~“marriage and family therapist registered intern”~~ “registered associate marriage and family therapist” appears in the advertisement.

AMEND §4980.72.

(a) This section applies to persons who are licensed outside of California and apply for licensure on or after January 1, 2016.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing issued by a board of marriage counselor examiners, board of marriage and family therapists, or corresponding authority, of any state or country, if all of the following conditions are satisfied:

(1) The applicant’s education is substantially equivalent, as defined in Section 4980.79. The applicant’s degree title need not be identical to that required by Section 4980.36 or 4980.37.

(2) The applicant complies with Section 4980.76, if applicable.

(3) The applicant’s supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a marriage and family therapist shall be accepted at a rate of 100 hours per month, up to a maximum of 1,200 hours, if the applicant’s degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4980.79 without exemptions or remediation.

(4) The applicant passes the California law and ethics examination.

(5) The applicant passes a clinical examination designated by the board. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that jurisdiction is [active and](#) in good standing at the time of his or her application and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

AMEND BPC §4984.4.

A license that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued; however, the former licensee may apply for and obtain a new license if the following criteria are satisfied:

- (a) No fact, circumstance, or condition exists that, if the license were issued, would constitute grounds for its revocation or suspension.
- (b) He or she submits an application for [examination-eligibility licensure](#) and the fee for that application.
- (c) He or she takes and passes the current licensing examinations.
- (d) He or she submits the fee for initial license issuance.
- (e) He or she complies with the fingerprint requirements established by board regulation.

AMEND BPC §4984.7.

(a) The board shall assess the following fees relating to the licensure of marriage and family therapists:

- (1) The application fee for an [intern-associate](#) registration shall be seventy-five dollars (\$75).
- (2) The renewal fee for an [intern-associate](#) registration shall be seventy-five dollars (\$75).
- (3) The fee for the application for [examination-eligibility licensure](#) shall be one hundred dollars (\$100).
- (4) The fee for the clinical examination shall be one hundred dollars (\$100). The fee for the California law and ethics examination shall be one hundred dollars (\$100).
- (A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fee.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars (\$20).

(6) The fee for issuance of an initial license shall be a maximum of one hundred eighty dollars (\$180).

(7) The fee for license renewal shall be a maximum of one hundred eighty dollars (\$180).

(8) The fee for inactive license renewal shall be a maximum of ninety dollars (\$90).

(9) The renewal delinquency fee shall be a maximum of ninety dollars (\$90). A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

(12) The fee for issuance of a retired license shall be forty dollars (\$40).

(b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

(c) This section shall become operative on January 1, 2016.

AMEND BPC §4984.9.

A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. The licensee or registrant shall certify the information is correct by signing a statement under penalty of perjury. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice. Copies of the following documents shall be submitted with the notice:

(1) A current government issued photographic identification; and

(2) The legal document authorizing the name change, such as a court order or a marriage certificate.

AMEND BPC §4989.46.

A licensee shall give written notice to the board of a name change within 30 days after each change, providing both the old and new names. The licensee or registrant shall certify the information is correct by signing a statement under penalty of perjury. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice. Copies of the following documents shall be submitted with the notice:

- (1) A current government issued photographic identification; and
- (2) The legal document authorizing the name change, such as a court order or a marriage certificate.

AMEND BPC §4992.8.

A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. The licensee or registrant shall certify the information is correct by signing a statement under penalty of perjury. A copy of the legal document authorizing the name change, such as a court order or marriage certificate, shall be submitted with the notice. Copies of the following documents shall be submitted with the notice:

- (1) A current government issued photographic identification; and
- (2) The legal document authorizing the name change, such as a court order or a marriage certificate.

AMEND BPC §4996.3.

(a) The board shall assess the following fees relating to the licensure of clinical social workers:

(1) The application fee for registration as an associate clinical social worker shall be seventy-five dollars (\$75).

(2) The fee for renewal of an associate clinical social worker registration shall be seventy-five dollars (\$75).

(3) The fee for application for examination-eligibility-licensure shall be one hundred dollars (\$100).

(4) The fee for the clinical examination shall be one hundred dollars (\$100). The fee for the California law and ethics examination shall be one hundred dollars (\$100).

(A) An applicant who fails to appear for an examination, after having been scheduled to take the examination, shall forfeit the examination fees.

(B) The amount of the examination fees shall be based on the actual cost to the board of developing, purchasing, and grading each examination and the actual cost to the board of administering each examination. The written examination fees shall be adjusted periodically by regulation to reflect the actual costs incurred by the board.

(5) The fee for rescoring an examination shall be twenty dollars (\$20).

(6) The fee for issuance of an initial license shall be a maximum of one hundred fifty-five dollars (\$155).

(7) The fee for license renewal shall be a maximum of one hundred fifty-five dollars (\$155).

(8) The fee for inactive license renewal shall be a maximum of seventy-seven dollars and fifty cents (\$77.50).

(9) The renewal delinquency fee shall be a maximum of seventy-five dollars (\$75). A person who permits his or her license to expire is subject to the delinquency fee.

(10) The fee for issuance of a replacement registration, license, or certificate shall be twenty dollars (\$20).

(11) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

(12) The fee for issuance of a retired license shall be forty dollars (\$40).

(b) With regard to license, examination, and other fees, the board shall establish fee amounts at or below the maximum amounts specified in this chapter.

(c) This section shall become operative on January 1, 2016.

AMEND BPC §4996.6.

(a) Licenses issued under this chapter shall expire no more than 24 months after the issue date. The expiration date of the original license shall be set by the board.

(b) To renew an unexpired license, the licensee shall, on or before the expiration date of the license, complete the following actions:

(1) Apply for a renewal on a form prescribed by the board.

(2) Pay a two-year renewal fee prescribed by the board.

(3) Certify compliance with the continuing education requirements set forth in Section 4996.22.

(4) Notify the board whether he or she has been convicted, as defined in Section 490, of a misdemeanor or felony, or whether any disciplinary action has been taken by any regulatory or licensing board in this or any other state, subsequent to the licensee's last renewal.

(c) To renew an expired license within three years of its expiration, the licensee shall, as a condition precedent to renewal, complete all of the actions described in subdivision (b) and pay a delinquency fee.

(d) A license that is not renewed within three years after its expiration may not be renewed, restored, reinstated, or reissued thereafter; however, the former licensee may apply for and obtain a new license if he or she satisfies all of the following requirements:

(1) No fact, circumstance, or condition exists that, if the license were issued, would justify its revocation or suspension.

(2) He or she submits an application for [examination-eligibility licensure](#).

(3) He or she takes and passes the current licensing examinations.

(4) He or she submits the [fees for examination-eligibility licensure application fees](#) and [the fee](#) for initial license issuance.

(5) He or she complies with the fingerprint requirements established by board regulation.

AMEND BPC §4996.17.

(a) (1) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(2) Commencing January 1, 2014, an applicant with education gained outside of California shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics

complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(b) The board may issue a license to any person who, at the time of application, holds a valid ~~active~~ clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes, or has passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than 3,200 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(4) The applicant's license is in good standing, and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an

applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid, ~~active~~ clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes, or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

- (4) The applicant's license is in good standing, and is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.
- (5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.
- (6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.
- (7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.
- (d) Commencing January 1, 2016, an applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination specified in Section 4996.1 if both of the following conditions are met:
- (A) ~~the~~The applicant obtained a passing score on the clinical licensing examination set forth in regulation as accepted by the board.
 - (B) The applicant's license or registration in that jurisdiction is active, in good standing at the time of his or her application, and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

AMEND BPC §4999.12.5.

- (a) (1) The title "professional clinical counselor intern" or "professional clinical counselor registered intern" is hereby renamed "associate professional clinical counselor" or "registered associate professional clinical counselor," respectively. Any reference in any statute or regulation to a "professional clinical counselor intern" or "professional clinical counselor registered intern" shall be deemed a reference to an "associate professional clinical counselor" or "registered associate professional clinical counselor."
- (2) Any reference in statute or regulation to the term "intern" shall be deemed a reference to an "associate."
- (b) Nothing in this section shall be construed to expand or constrict the scope of practice of a person licensed or registered pursuant to this chapter.
- (c) This section shall become operative January 1, 2018.

AMEND BPC §4999.32.

(a) This section shall apply to applicants for ~~examination-eligibility-licensure~~ or registration who begin graduate study before August 1, 2012, and complete that study on or before December 31, 2018. Those applicants may alternatively qualify under paragraph (2) of subdivision (a) of Section 4999.33.

(b) To qualify for ~~examination-eligibility-licensure~~ or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (d), the coursework in the core content areas listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 48 graduate semester or 72 graduate quarter units of instruction, which shall, except as provided in subdivision (d), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in each of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, developmental stage theories, therapeutic

factors of group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.

(G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.

(H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.

(I) Professional orientation, ethics, and law in counseling, including professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.

(2) In addition to the course requirements described in paragraph (1), a minimum of 12 semester units or 18 quarter units of advanced coursework to develop knowledge of specific treatment issues, special populations, application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience, or the equivalent, in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

(F) Issues of development, adjustment, and maladjustment.

(G) Health and wellness promotion.

(H) Other recognized counseling interventions.

(I) A minimum of 150 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) (1) An applicant whose degree is deficient in no more than two of the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (I), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

(e) In addition to the degree described in this section, or as part of that degree, an applicant shall complete the following coursework or training prior to registration as an [intern-associate](#):

(1) A minimum of 15 contact hours of instruction in alcoholism and other chemical substance abuse dependency, as specified by regulation.

(2) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(3) A two semester unit or three quarter unit survey course in psychopharmacology.

(4) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, and intervention strategies, including knowledge of community resources, cultural factors, and same gender abuse dynamics.

(5) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations adopted thereunder.

(6) A minimum of 18 contact hours of instruction in California law and professional ethics for professional clinical counselors that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to clients, and state and federal laws related to confidentiality of patient health information. When coursework in a master's or doctoral degree program is acquired to satisfy this requirement, it shall be considered as part of the 48 semester unit or 72 quarter unit requirement in subdivision (c).

(7) A minimum of 10 contact hours of instruction in aging and long-term care, which may include, but is not limited to, the biological, social, and psychological aspects of aging. On and after January 1, 2012, this coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(8) A minimum of 15 contact hours of instruction in crisis or trauma counseling, including multidisciplinary responses to crises, emergencies, or disasters, and brief, intermediate, and long-term approaches.

(f) This section shall remain in effect only until January 1, 2019, and as of that date is repealed, unless a later enacted statute that is enacted before January 1, 2019, deletes or extends that date.

AMEND BPC §4999.33.

(a) This section shall apply to the following:

(1) Applicants for ~~examination eligibility licensure~~ or registration who begin graduate study before August 1, 2012, and do not complete that study on or before December 31, 2018.

(2) Applicants for [examination eligibility licensure](#) or registration who begin graduate study before August 1, 2012, and who graduate from a degree program that meets the requirements of this section.

(3) Applicants for [examination eligibility licensure](#) or registration who begin graduate study on or after August 1, 2012.

(b) To qualify for [examination eligibility licensure](#) or registration, applicants shall possess a master's or doctoral degree that is counseling or psychotherapy in content and that meets the requirements of this section, obtained from an accredited or approved institution, as defined in Section 4999.12. For purposes of this subdivision, a degree is "counseling or psychotherapy in content" if it contains the supervised practicum or field study experience described in paragraph (3) of subdivision (c) and, except as provided in subdivision (f), the coursework in the core content areas listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c).

(c) The degree described in subdivision (b) shall contain not less than 60 graduate semester or 90 graduate quarter units of instruction, which shall, except as provided in subdivision (f), include all of the following:

(1) The equivalent of at least three semester units or four and one-half quarter units of graduate study in all of the following core content areas:

(A) Counseling and psychotherapeutic theories and techniques, including the counseling process in a multicultural society, an orientation to wellness and prevention, counseling theories to assist in selection of appropriate counseling interventions, models of counseling consistent with current professional research and practice, development of a personal model of counseling, and multidisciplinary responses to crises, emergencies, and disasters.

(B) Human growth and development across the lifespan, including normal and abnormal behavior and an understanding of developmental crises, disability, psychopathology, and situational and environmental factors that affect both normal and abnormal behavior.

(C) Career development theories and techniques, including career development decisionmaking models and interrelationships among and between work, family, and other life roles and factors, including the role of multicultural issues in career development.

(D) Group counseling theories and techniques, including principles of group dynamics, group process components, group developmental stage theories, therapeutic factors of

group work, group leadership styles and approaches, pertinent research and literature, group counseling methods, and evaluation of effectiveness.

(E) Assessment, appraisal, and testing of individuals, including basic concepts of standardized and nonstandardized testing and other assessment techniques, norm-referenced and criterion-referenced assessment, statistical concepts, social and cultural factors related to assessment and evaluation of individuals and groups, and ethical strategies for selecting, administering, and interpreting assessment instruments and techniques in counseling.

(F) Multicultural counseling theories and techniques, including counselors' roles in developing cultural self-awareness, identity development, promoting cultural social justice, individual and community strategies for working with and advocating for diverse populations, and counselors' roles in eliminating biases and prejudices, and processes of intentional and unintentional oppression and discrimination.

(G) Principles of the diagnostic process, including differential diagnosis, and the use of current diagnostic tools, such as the current edition of the Diagnostic and Statistical Manual, the impact of co-occurring substance use disorders or medical psychological disorders, established diagnostic criteria for mental or emotional disorders, and the treatment modalities and placement criteria within the continuum of care.

(H) Research and evaluation, including studies that provide an understanding of research methods, statistical analysis, the use of research to inform evidence-based practice, the importance of research in advancing the profession of counseling, and statistical methods used in conducting research, needs assessment, and program evaluation.

(I) Professional orientation, ethics, and law in counseling, including California law and professional ethics for professional clinical counselors, professional ethical standards and legal considerations, licensing law and process, regulatory laws that delineate the profession's scope of practice, counselor-client privilege, confidentiality, the client dangerous to self or others, treatment of minors with or without parental consent, relationship between practitioner's sense of self and human values, functions and relationships with other human service providers, strategies for collaboration, and advocacy processes needed to address institutional and social barriers that impede access, equity, and success for clients.

(J) Psychopharmacology, including the biological bases of behavior, basic classifications, indications, and contraindications of commonly prescribed psychopharmacological medications so that appropriate referrals can be made for medication evaluations and so that the side effects of those medications can be identified.

(K) Addictions counseling, including substance abuse, co-occurring disorders, and addiction, major approaches to identification, evaluation, treatment, and prevention of substance abuse and addiction, legal and medical aspects of substance abuse, populations at risk, the role of support persons, support systems, and community resources.

(L) Crisis or trauma counseling, including crisis theory; multidisciplinary responses to crises, emergencies, or disasters; cognitive, affective, behavioral, and neurological effects associated with trauma; brief, intermediate, and long-term approaches; and assessment strategies for clients in crisis and principles of intervention for individuals with mental or emotional disorders during times of crisis, emergency, or disaster.

(M) Advanced counseling and psychotherapeutic theories and techniques, including the application of counseling constructs, assessment and treatment planning, clinical interventions, therapeutic relationships, psychopathology, or other clinical topics.

(2) In addition to the course requirements described in paragraph (1), 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations.

(3) Not less than six semester units or nine quarter units of supervised practicum or field study experience, or the equivalent, in a clinical setting that provides a range of professional clinical counseling experience, including the following:

(A) Applied psychotherapeutic techniques.

(B) Assessment.

(C) Diagnosis.

(D) Prognosis.

(E) Treatment.

(F) Issues of development, adjustment, and maladjustment.

(G) Health and wellness promotion.

(H) Professional writing including documentation of services, treatment plans, and progress notes.

(I) How to find and use resources.

(J) Other recognized counseling interventions.

(K) A minimum of 280 hours of face-to-face supervised clinical experience counseling individuals, families, or groups.

(d) The 60 graduate semester units or 90 graduate quarter units of instruction required pursuant to subdivision (c) shall, in addition to meeting the requirements of subdivision (c), include instruction in all of the following:

(1) The understanding of human behavior within the social context of socioeconomic status and other contextual issues affecting social position.

(2) The understanding of human behavior within the social context of a representative variety of the cultures found within California.

(3) Cultural competency and sensitivity, including a familiarity with the racial, cultural, linguistic, and ethnic backgrounds of persons living in California.

(4) An understanding of the effects of socioeconomic status on treatment and available resources.

(5) Multicultural development and cross-cultural interaction, including experiences of race, ethnicity, class, spirituality, sexual orientation, gender, and disability and their incorporation into the psychotherapeutic process.

(6) Case management, systems of care for the severely mentally ill, public and private services for the severely mentally ill, community resources for victims of abuse, disaster and trauma response, advocacy for the severely mentally ill, and collaborative treatment. The instruction required in this paragraph may be provided either in credit level coursework or through extension programs offered by the degree-granting institution.

(7) Human sexuality, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(8) Spousal or partner abuse assessment, detection, intervention strategies, and same gender abuse dynamics.

(9) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting, as specified in Section 28, and any regulations promulgated thereunder.

(10) Aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(e) A degree program that qualifies for licensure under this section shall do all of the following:

(1) Integrate the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments.

(2) Integrate an understanding of various cultures and the social and psychological implications of socioeconomic position.

(3) Provide the opportunity for students to meet with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(f) (1) An applicant whose degree is deficient in no more than three of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing post-master's or postdoctoral degree coursework at an accredited or approved institution, as defined in Section 4999.12.

(2) Coursework taken to meet deficiencies in the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) shall be the equivalent of three semester units or four and one-half quarter units of study.

(3) The board shall make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements, regardless of accreditation.

AMEND BPC §4999.42.

(a) To qualify for registration as an ~~intern~~ associate, an applicant shall have all of the following qualifications:

(1) The applicant shall have earned a master's or doctoral degree as specified in Section 4999.32 or 4999.33, as applicable. An applicant whose education qualifies him or her under Section 4999.32 shall also have completed the coursework or training specified in subdivision (e) of Section 4999.32.

(2) The applicant shall not have committed acts or crimes constituting grounds for denial of licensure under Section 480.

(3) The board shall not issue a registration to any person who has been convicted of a crime in this or another state or in a territory of the United States that involves sexual abuse of children or who is required to register pursuant to Section 290 of the

Penal Code or the equivalent in another state or territory.

~~(b) The board shall begin accepting applications for intern registration on January 1, 2011.~~

AMEND BPC §4999.53.

(a) Effective January 1, 2016, a ~~clinical counselor intern applying~~ registrant or an applicant for licensure as a professional clinical counselor shall pass the following examinations as prescribed by the board:

(1) A California law and ethics examination.

(2) A clinical examination administered by the board, or the National Clinical Mental Health Counselor Examination if the board finds that this examination meets the prevailing standards for validation and use of the licensing and certification tests in California.

(b) Upon registration with the board, a ~~clinical counselor intern~~ an associate professional clinical counselor shall, within the first year of registration, take an examination on California law and ethics.

(c) A registrant or applicant for licensure may take the clinical examination or the National Clinical Mental Health Counselor Examination, as established by the board through regulation, only upon meeting all of the following requirements:

(1) Completion of all required supervised work experience.

(2) Completion of all education requirements.

(3) Passage of the California law and ethics examination.

(d) This section shall become operative on January 1, 2016.

AMEND BPC §4999.60.

(a) This section applies to persons who are licensed outside of California and apply for ~~examination eligibility~~ licensure on or after January 1, 2016.

(b) The board may issue a license to a person who, at the time of submitting an application for a license pursuant to this chapter, holds a valid license in good standing as a professional clinical counselor, or other counseling license that allows the applicant

to independently provide clinical mental health services, in another jurisdiction of the United States, if all of the following conditions are satisfied:

(1) The applicant's education is substantially equivalent, as defined in Section 4999.63.

(2) The applicant complies with subdivision (b) of Section 4999.40, if applicable.

(3) The applicant's supervised experience is substantially equivalent to that required for a license under this chapter. The board shall consider hours of experience obtained outside of California during the six-year period immediately preceding the date the applicant initially obtained the license described above. If the applicant has less than 3,000 hours of qualifying supervised experience, time actively licensed as a professional clinical counselor shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours if the applicant's degree meets the practicum requirement described in subparagraph (C) of paragraph (1) of subdivision (b) of Section 4999.63 without exemptions or remediation.

(4) The applicant passes the examinations required to obtain a license under this chapter. An applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination if both of the following conditions are met:

(A) The applicant obtained a passing score on the [clinical](#) licensing examination set forth in regulation as accepted by the board.

(B) The applicant's license or registration in that jurisdiction is [active and](#) in good standing at the time of his or her application and is not revoked, suspended, surrendered, denied, or otherwise restricted or encumbered.

AMEND BPC §4999.61.

(a) This section applies to persons who apply for [examination-eligibility-licensure](#) or registration on or after January 1, 2016, and who do not hold a license as described in Section 4999.60.

(b) The board shall accept education gained while residing outside of California for purposes of satisfying licensure or registration requirements if the education is substantially equivalent, as defined in Section 4999.62, and the applicant complies with subdivision (b) of Section 4999.40, if applicable.

(c) The board shall accept experience gained outside of California for purposes of satisfying licensure or registration requirements if the experience is substantially equivalent to that required by this chapter.

AMEND BPC §4999.62.

(a) This section applies to persons who apply for ~~examination-eligibility-licensure~~ or registration on or after January 1, 2016, and who do not hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.61, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of, at a minimum, the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester or 90 graduate quarter units of instruction.

(ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an ~~intern-associate~~.

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester or 72 graduate quarter units of instruction.

(C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face counseling.

(D) The required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) An applicant whose degree is deficient in no more than six of the required areas of study listed in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet those deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an ~~intern-associate~~.

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (I) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an [intern-associate](#).

(2) The applicant completes any units required by subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) (A) The applicant completes the following coursework not already completed in his or her education:

(i) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(ii) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(iii) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated thereunder.

(iv) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(B) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units, or 45 hours, of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-

oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experiences of mental illness, treatment, and recovery.

(B) At least one semester unit, or 15 hours, of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required under paragraphs (2), (3), or (4) not already completed in his or her education while registered with the board as an [intern-associate](#).

AMEND BPC §4999.63.

(a) This section applies to persons who apply for [examination-eligibility-licensure](#) or registration on or after January 1, 2016, and who hold a license as described in Section 4999.60.

(b) For purposes of Section 4999.60, education is substantially equivalent if all of the following requirements are met:

(1) The degree is obtained from an accredited or approved institution, as defined in Section 4999.12, and consists of the following:

(A) (i) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.33 the degree shall contain no less than 60 graduate semester or 90 graduate quarter units of instruction.

(ii) Up to 12 semester or 18 quarter units of instruction may be remediated, if missing from the degree. The remediation may occur while the applicant is registered as an [intern-associate](#).

(B) For an applicant who obtained his or her degree within the timeline prescribed by subdivision (a) of Section 4999.32 the degree shall contain no less than 48 graduate semester or 72 graduate quarter units of instruction.

(C) Six semester or nine quarter units of practicum, including, but not limited to, a minimum of 280 hours of face-to-face counseling.

(i) An applicant who has been licensed for at least two years in clinical practice, as verified by the board, is exempt from this requirement.

(ii) An out-of-state applicant who has been licensed for less than two years in clinical practice, as verified by the board, who does not meet the practicum requirement, shall remediate the requirement by demonstrating completion of a total of 280 hours of face-to-face counseling, as specified in subparagraph (K) of paragraph (3) of subdivision (c) of Section 4999.33. Any postdegree hours gained to meet this requirement are in

addition to the 3,000 hours of experience required by this chapter, and shall be gained while the applicant is registered with the board as an ~~intern~~-[associate](#).

(D) The required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) of Section 4999.33.

(i) An applicant whose degree is deficient in no more than six of the required areas of study specified in subparagraphs (A) to (M), inclusive, of paragraph (1) of subdivision (c) may satisfy those deficiencies by successfully completing graduate level coursework at an accredited or approved institution, as defined in Section 4999.12. Coursework taken to meet those deficiencies shall be the equivalent of three semester units or four and one-half quarter units of study.

(ii) An applicant who completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (l) of paragraph (1) of subdivision (c) of Section 4999.33 that did not contain instruction in California law and ethics shall complete an 18-hour course in California law and professional ethics that includes, but is not limited to, instruction in advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous clients, psychotherapist-client privilege, recordkeeping, client access to records, state and federal laws relating to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, and therapist disclosures to clients. An applicant shall complete this coursework prior to registration as an ~~intern~~-[associate](#).

(iii) An applicant who has not completed a course in professional orientation, ethics, and law in counseling as required by subparagraph (l) of paragraph (1) of subdivision (c) of Section 4999.33 shall complete this required coursework, including content in California law and ethics. An applicant shall complete this coursework prior to registration as an ~~intern~~-[associate](#).

(2) The applicant completes any units required under subdivision (c) of Section 4999.33 not already completed in his or her education as follows:

(A) At least 15 semester units or 22.5 quarter units of advanced coursework to develop knowledge of specific treatment issues or special populations. This coursework is in addition to the course requirements described in subparagraph (D) of paragraph (1).

(B) Coursework shall be from an accredited or approved school, college, or university as defined in Section 4999.12.

(3) The applicant completes the following coursework not already completed in his or her education:

(A) A minimum of 10 contact hours of training in human sexuality, as specified in Section 25 and any regulations promulgated thereunder, including the study of the physiological, psychological, and social cultural variables associated with sexual

behavior, gender identity, and the assessment and treatment of psychosexual dysfunction.

(B) A minimum of 15 contact hours of instruction in spousal or partner abuse assessment, detection, intervention strategies, and same-gender abuse dynamics.

(C) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28 and any regulations promulgated under that section.

(D) A minimum of 10 contact hours of instruction in aging and long-term care, including biological, social, cognitive, and psychological aspects of aging. This coursework shall include instruction on the assessment and reporting of, as well as treatment related to, elder and dependent adult abuse and neglect.

(E) This coursework may be from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(4) The applicant completes the following coursework not already completed in his or her education from an accredited or approved school, college, or university as defined in Section 4999.12, or from a continuing education provider that is acceptable to the board as defined in Section 4999.76. Undergraduate coursework shall not satisfy this requirement.

(A) At least three semester units or 45 hours of instruction regarding the principles of mental health recovery-oriented care and methods of service delivery in recovery-oriented practice environments, including structured meetings with various consumers and family members of consumers of mental health services to enhance understanding of their experience of mental illness, treatment, and recovery.

(B) At least one semester unit or 15 hours of instruction that includes an understanding of various California cultures and the social and psychological implications of socioeconomic position.

(5) An applicant may complete any units and course content requirements required by subparagraph (D) of paragraph (1) or paragraphs (2), (3), and (4) not already completed in his or her education while registered with the board as an [intern-associate](#), unless otherwise specified.

AMEND BPC §4999.118.

A licensee or registrant shall give written notice to the board of a name change within 30 days after each change, giving both the old and new names. [The licensee or registrant shall certify the information is correct by signing a statement under penalty of perjury. A copy of the legal document authorizing the name change, such as a court order or](#)

marriage certificate, shall be submitted with the notice. Copies of the following documents shall be submitted with the notice:

- (1) A current government issued photographic identification; and
- (2) The legal document authorizing the name change, such as a court order or a marriage certificate.

AMEND BPC §4999.120.

The board shall assess fees for the application for and the issuance and renewal of licenses and for the registration of ~~interns~~ associates to cover administrative and operating expenses of the board related to this chapter. Fees assessed pursuant to this section shall not exceed the following:

- (a) The fee for the application for ~~examination eligibility licensure~~ shall be up to two hundred fifty dollars (\$250).
- (b) The fee for the application for ~~intern~~ associate registration shall be up to one hundred fifty dollars (\$150).
- (c) The fee for the application for licensure shall be up to one hundred eighty dollars (\$180).
- (d) The fee for the board-administered clinical examination, if the board chooses to adopt this examination in regulations, shall be up to two hundred fifty dollars (\$250).
- (e) The fee for the law and ethics examination shall be up to one hundred fifty dollars (\$150).
- (f) The fee for the examination described in subdivision (b) of Section 4999.54 shall be up to one hundred dollars (\$100).
- (g) The fee for the issuance of a license shall be up to two hundred fifty dollars (\$250).
- (h) The fee for annual renewal of an ~~intern~~ associate registration shall be up to one hundred fifty dollars (\$150).
- (i) The fee for two-year renewal of licenses shall be up to two hundred fifty dollars (\$250).
- (j) The fee for issuance of a retired license shall be forty dollars (\$40).

(k) The fee for rescoring an examination shall be twenty dollars (\$20).

(l) The fee for issuance of a replacement license or registration shall be twenty dollars (\$20).

(m) The fee for issuance of a certificate or letter of good standing shall be twenty-five dollars (\$25).

AMEND EVIDENCE CODE §1010

As used in this article, “psychotherapist” means a person who is, or is reasonably believed by the patient to be:

(a) A person authorized to practice medicine in any state or nation who devotes, or is reasonably believed by the patient to devote, a substantial portion of his or her time to the practice of psychiatry.

(b) A person licensed as a psychologist under Chapter 6.6 (commencing with Section 2900) of Division 2 of the Business and Professions Code.

(c) A person licensed as a clinical social worker under Article 4 (commencing with Section 4996) of Chapter 14 of Division 2 of the Business and Professions Code, when he or she is engaged in applied psychotherapy of a nonmedical nature.

(d) A person who is serving as a school psychologist and holds a credential authorizing that service issued by the state.

(e) A person licensed as a marriage and family therapist under Chapter 13 (commencing with Section 4980) of Division 2 of the Business and Professions Code.

(f) A person registered as a psychological assistant who is under the supervision of a licensed psychologist or board certified psychiatrist as required by Section 2913 of the Business and Professions Code, or a person registered as an [associate](#) marriage and family therapist ~~intern~~ who is under the supervision of a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, or a licensed physician and surgeon certified in psychiatry, as specified in Section 4980.44 of the Business and Professions Code.

(g) A person registered as an associate clinical social worker who is under supervision as specified in Section 4996.23 of the Business and Professions Code.

(h) A person who registered with the Board of Psychology as a registered psychologist and who is under the supervision of a licensed psychologist or board certified psychiatrist.

(i) A psychological intern as defined in Section 2911 of the Business and Professions Code who is under the supervision of a licensed psychologist or board certified psychiatrist.

(j) A trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code, who is fulfilling his or her supervised practicum required by subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 of, or subdivision (c) of Section 4980.37 of, the Business and Professions Code and is supervised by a licensed psychologist, a board certified psychiatrist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional clinical counselor.

(k) A person licensed as a registered nurse pursuant to Chapter 6 (commencing with Section 2700) of Division 2 of the Business and Professions Code, who possesses a master's degree in psychiatric-mental health nursing and is listed as a psychiatric-mental health nurse by the Board of Registered Nursing.

(l) An advanced practice registered nurse who is certified as a clinical nurse specialist pursuant to Article 9 (commencing with Section 2838) of Chapter 6 of Division 2 of the Business and Professions Code and who participates in expert clinical practice in the specialty of psychiatric-mental health nursing.

(m) A person rendering mental health treatment or counseling services as authorized pursuant to Section 6924 of the Family Code.

(n) A person licensed as a professional clinical counselor under Chapter 16 (commencing with Section 4999.10) of Division 2 of the Business and Professions Code.

(o) A person registered as an [associate professional](#) clinical counselor ~~intern~~ who is under the supervision of a licensed professional clinical counselor, a licensed marriage and family therapist, a licensed clinical social worker, a licensed psychologist, or a licensed physician and surgeon certified in psychiatry, as specified in Sections 4999.42 to 4999.46, inclusive, of the Business and Professions Code.

(p) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code, who is fulfilling his or her supervised practicum required by paragraph (3) of subdivision (c) of Section 4999.32 of, or paragraph (3) of subdivision (c) of Section 4999.33 of, the Business and Professions Code, and is supervised by a licensed psychologist, a board-certified psychiatrist, a licensed clinical social worker, a licensed marriage and family therapist, or a licensed professional clinical counselor.

AMEND PENAL CODE §11165.7

(a) As used in this article, “mandated reporter” is defined as any of the following:

(1) A teacher.

(2) An instructional aide.

(3) A teacher’s aide or teacher’s assistant employed by a public or private school.

(4) A classified employee of a public school.

(5) An administrative officer or supervisor of child welfare and attendance, or a certificated pupil personnel employee of a public or private school.

(6) An administrator of a public or private day camp.

(7) An administrator or employee of a public or private youth center, youth recreation program, or youth organization.

(8) An administrator or employee of a public or private organization whose duties require direct contact and supervision of children.

(9) An employee of a county office of education or the State Department of Education whose duties bring the employee into contact with children on a regular basis.

(10) A licensee, an administrator, or an employee of a licensed community care or child day care facility.

(11) A Head Start program teacher.

(12) A licensing worker or licensing evaluator employed by a licensing agency, as defined in Section 11165.11.

(13) A public assistance worker.

(14) An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities.

(15) A social worker, probation officer, or parole officer.

(16) An employee of a school district police or security department.

- (17) A person who is an administrator or presenter of, or a counselor in, a child abuse prevention program in a public or private school.
- (18) A district attorney investigator, inspector, or local child support agency caseworker, unless the investigator, inspector, or caseworker is working with an attorney appointed pursuant to Section 317 of the Welfare and Institutions Code to represent a minor.
- (19) A peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, who is not otherwise described in this section.
- (20) A firefighter, except for volunteer firefighters.
- (21) A physician and surgeon, psychiatrist, psychologist, dentist, resident, intern, podiatrist, chiropractor, licensed nurse, dental hygienist, optometrist, marriage and family therapist, clinical social worker, professional clinical counselor, or any other person who is currently licensed under Division 2 (commencing with Section 500) of the Business and Professions Code.
- (22) An emergency medical technician I or II, paramedic, or other person certified pursuant to Division 2.5 (commencing with Section 1797) of the Health and Safety Code.
- (23) A psychological assistant registered pursuant to Section 2913 of the Business and Professions Code.
- (24) A marriage and family therapist trainee, as defined in subdivision (c) of Section 4980.03 of the Business and Professions Code.
- (25) An unlicensed [associate](#) marriage and family therapist [intern](#) registered under Section 4980.44 of the Business and Professions Code.
- (26) A state or county public health employee who treats a minor for venereal disease or any other condition.
- (27) A coroner.
- (28) A medical examiner or other person who performs autopsies.

(29) A commercial film and photographic print or image processor as specified in subdivision (e) of Section 11166. As used in this article, “commercial film and photographic print or image processor” means a person who develops exposed photographic film into negatives, slides, or prints, or who makes prints from negatives or slides, or who prepares, publishes, produces, develops, duplicates, or prints any representation of information, data, or an image, including, but not limited to, any film, filmstrip, photograph, negative, slide, photocopy, videotape, video laser disc, computer hardware, computer software, computer floppy disk, data storage medium, CD-ROM, computer-generated equipment, or computer-generated image, for compensation. The term includes any employee of that person; it does not include a person who develops film or makes prints or images for a public agency.

(30) A child visitation monitor. As used in this article, “child visitation monitor” means a person who, for financial compensation, acts as a monitor of a visit between a child and another person when the monitoring of that visit has been ordered by a court of law.

(31) An animal control officer or humane society officer. For the purposes of this article, the following terms have the following meanings:

(A) “Animal control officer” means a person employed by a city, county, or city and county for the purpose of enforcing animal control laws or regulations.

(B) “Humane society officer” means a person appointed or employed by a public or private entity as a humane officer who is qualified pursuant to Section 14502 or 14503 of the Corporations Code.

(32) A clergy member, as specified in subdivision (d) of Section 11166. As used in this article, “clergy member” means a priest, minister, rabbi, religious practitioner, or similar functionary of a church, temple, or recognized denomination or organization.

(33) Any custodian of records of a clergy member, as specified in this section and subdivision (d) of Section 11166.

(34) An employee of any police department, county sheriff’s department, county probation department, or county welfare department.

(35) An employee or volunteer of a Court Appointed Special Advocate program, as defined in Rule 5.655 of the California Rules of Court.

(36) A custodial officer, as defined in Section 831.5.

(37) A person providing services to a minor child under Section 12300 or 12300.1 of the Welfare and Institutions Code.

(38) An alcohol and drug counselor. As used in this article, an “alcohol and drug counselor” is a person providing counseling, therapy, or other clinical services for a state licensed or certified drug, alcohol, or drug and alcohol treatment program. However, alcohol or drug abuse, or both alcohol and drug abuse, is not, in and of itself, a sufficient basis for reporting child abuse or neglect.

(39) A clinical counselor trainee, as defined in subdivision (g) of Section 4999.12 of the Business and Professions Code.

(40) An [associate professional](#) clinical counselor ~~intern~~ registered under Section 4999.42 of the Business and Professions Code.

(41) An employee or administrator of a public or private postsecondary educational institution, whose duties bring the administrator or employee into contact with children on a regular basis, or who supervises those whose duties bring the administrator or employee into contact with children on a regular basis, as to child abuse or neglect occurring on that institution’s premises or at an official activity of, or program conducted by, the institution. Nothing in this paragraph shall be construed as altering the lawyer-client privilege as set forth in Article 3 (commencing with Section 950) of Chapter 4 of Division 8 of the Evidence Code.

(42) An athletic coach, athletic administrator, or athletic director employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive.

(43) (A) A commercial computer technician as specified in subdivision (e) of Section 11166. As used in this article, “commercial computer technician” means a person who works for a company that is in the business of repairing, installing, or otherwise servicing a computer or computer component, including, but not limited to, a computer part, device, memory storage or recording mechanism, auxiliary storage recording or memory capacity, or any other material relating to the operation and maintenance of a computer or computer network system, for a fee. An employer who provides an electronic communications service or a remote computing service to the public shall be deemed to comply with this article if that employer complies with Section 2258A of Title 18 of the United States Code.

(B) An employer of a commercial computer technician may implement internal procedures for facilitating reporting consistent with this article. These procedures may direct employees who are mandated reporters under this paragraph to report materials described in subdivision (e) of Section 11166 to an employee who is designated by the employer to receive the reports. An employee who is designated to receive reports under this subparagraph shall be a commercial computer technician for purposes of this article. A commercial computer technician who makes a report to the designated employee pursuant to this subparagraph shall be deemed to have complied with the requirements of this article and shall be subject to the protections afforded to mandated reporters, including, but not limited to, those protections afforded by Section 11172.

(44) Any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching, at public or private postsecondary educational institutions.

(b) Except as provided in paragraph (35) of subdivision (a), volunteers of public or private organizations whose duties require direct contact with and supervision of children are not mandated reporters but are encouraged to obtain training in the identification and reporting of child abuse and neglect and are further encouraged to report known or suspected instances of child abuse or neglect to an agency specified in Section 11165.9.

(c) Except as provided in subdivision (d), employers are strongly encouraged to provide their employees who are mandated reporters with training in the duties imposed by this article. This training shall include training in child abuse and neglect identification and training in child abuse and neglect reporting. Whether or not employers provide their employees with training in child abuse and neglect identification and reporting, the employers shall provide their employees who are mandated reporters with the statement required pursuant to subdivision (a) of Section 11166.5.

(d) Pursuant to Section 44691 of the Education Code, school districts, county offices of education, state special schools and diagnostic centers operated by the State Department of Education, and charter schools shall annually train their employees and persons working on their behalf specified in subdivision (a) in the duties of mandated reporters under the child abuse reporting laws. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(e) (1) On and after January 1, 2018, pursuant to Section 1596.8662 of the Health and Safety Code, a child care licensee applicant shall take training in the duties of mandated

reporters under the child abuse reporting laws as a condition of licensure, and a child care administrator or an employee of a licensed child day care facility shall take training in the duties of mandated reporters during the first 90 days when he or she is employed by the facility.

(2) A person specified in paragraph (1) who becomes a licensee, administrator, or employee of a licensed child day care facility shall take renewal mandated reporter training every two years following the date on which he or she completed the initial mandated reporter training. The training shall include, but not necessarily be limited to, training in child abuse and neglect identification and child abuse and neglect reporting.

(f) Unless otherwise specifically provided, the absence of training shall not excuse a mandated reporter from the duties imposed by this article.

(g) Public and private organizations are encouraged to provide their volunteers whose duties require direct contact with and supervision of children with training in the identification and reporting of child abuse and neglect.

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To: Policy and Advocacy Committee Members **Date:** September 21, 2016
From: Christy Berger **Telephone:** (916) 574-7817
Regulatory Analyst
Subject: Proposed Regulation Changes

Staff has identified a number of changes necessary to Title 16, Division 18, California Code of Regulations (CCR), as follows:

- 1. Address in Care of “c/o” Another Person** (*amend section 1804*): This proposal would disallow the use of an address in “care of” or “c/o” another person. The problem with allowing a “c/o” is that it requires adding another person’s name to the individual’s license or registration certificate, and also to the licensee’s online record. Not only is this potentially misleading to the public, but could be done without the individual’s permission, and will result in that person’s name being associated with the licensee’s or registrant’s public record.
- 2. Information Required on Licensure and Registration Applications** (*amend section 1805*): This proposal would codify the Board’s current practice of asking for an applicant’s telephone number, email address and photograph on applications for licensure or registration, and would make providing this information a requirement. A telephone number and email address are necessary to facilitate expedient communication when processing an application and when providing notification of eligibility to take an examination.

A photograph is necessary to help establish an applicant’s identity, and is helpful for the Board’s Enforcement unit in cases where there is suspicion that a licensee or registrant is being impersonated; when an applicant may have had another person take the exam in their place (the exam site also takes a photo); or, in cases where there is possible misrepresentation in an online advertisement.

This proposal would additionally require the applicant's signature on licensure and registration applications, and the supervisor's signature on verification of experience forms, to be made under penalty of perjury, in accordance with Penal Code section 118.

Currently, the only possible penalties for providing false information are denial of the application, or suspension or revocation of the registration or license. Signature under penalty of perjury is required by 10 out of 10 other DCA health boards surveyed by staff. It provides the potential penalty of a felony conviction with imprisonment for up to four years, and could include court fines. Staff feels that this is an important deterrent to applicants and supervisors providing false information.

- 3. Permit Processing Times** (*delete section 1805.1*): This proposal would delete the regulations that set forth minimum and maximum application processing time frames, and which also purport to state the "actual" processing times based on the prior two years. This regulation is unnecessary and misleading. The Board works very hard to keep application processing times low, but has at times struggled with factors outside of its control that lead to exceeding the processing times set in regulation.

In addition, staff does not believe that providing the "actual" processing time over the past two years is particularly helpful to applicants. Due to workload constraints, the "actual" processing times currently listed are typically outdated. Staff believes the information on our website under the "Applicants" tab provides information that is much more relevant (see Attachment A).

- 4. Application Abandonment** (*amend section 1806*): This item is being deferred to the November Board meeting.
- 5. Advertising** (*amend section 1811*): This proposal would add the use of "Registered Associate Marriage and Family Therapist" or "Registered Associate Professional Clinical Counselor" to the list of acceptable titles when advertising. It sunsets the use of the term "intern" on December 31, 2018, which will provide time for registrants to use their existing stock of business cards, etc. that use the term "intern".
- 6. Examination Eligibility Fees** (*amend section 1816.4*): This item is being deferred until 2017.

Recommendation

Conduct an open discussion about the proposed language shown in **Attachment B**. Direct staff to make any discussed changes, as well as any non-substantive changes to the proposed language, and submit to the Board for consideration as a regulatory proposal.

Attachment A: Application Processing Times – BBS website

Attachment B: Proposed Regulatory Language



Application Processing Times

Processing times are based on the date the Board receives the application. The Board is unable to respond to status checks, if the minimum processing time has not elapsed. Applicants who have not received correspondence within the processing times stated below, should refer to the Board's [Contact Us](#) page to submit an inquiry.

The Board recommends to applicants seeking verify that the Board has received documents and/or payments, to mail these items with a tracking number, or delivery confirmation method. Applicants may also verify payment processing through their financial institution.

PLEASE ALLOW A MINIMUM OF 30 BUSINESS DAYS FOR PROCESSING FOLLOWING APPLICATIONS:

IMF/ASW/PCCI Registration Applications (includes IMF/PCCI In-State and Out-of-State)

Applicants may verify registration issuance by using [Breeze License Verification](#) to look up their information. The certificate should arrive by mail within 2-3 weeks of issuance.

IMF/ASW Subsequent Registration Applications

LMFT/LCSW/LPCC Request for Initial License Issuance

Applicants may verify registration issuance by using [Breeze License Verification](#) to look up their information. The certificate should arrive by mail within 4-6 weeks of issuance.

PLEASE ALLOW A MINIMUM OF 60 BUSINESS DAYS FOR PROCESSING THE FOLLOWING APPLICATIONS:

LCSW Examination Eligibility Application Packet*

LMFT Application for Licensure and Examination In-State and Out-of-State)*

LPCC Application for Licensure and Examination In-State and Out-of-State)*

Registrant Request for Initial Law and Ethics Exam (all license types)**

LMFT Request for Initial Clinical Exam**

Request for Re-Examination**

(*) Applicants will receive correspondence by mail, regarding the evaluation of supervised experience.

(**) Applicants will be notified by email, when PSI receives eligibility information. PSI will also send a candidate handbook.

This web site contains PDF documents that require the most current version of Adobe Reader to view. To download click on the icon below.



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Attachment B

Proposed Regulatory Language

§1804. FILING OF ADDRESSES

Each person or professional corporation regulated by the board shall maintain a current mailing address with the board and shall notify the board within thirty (30) days concerning any change of address ~~giving both the old and new addresses.~~ The Board shall not accept an address “in care of” or “c/o” another person.

Note: Authority cited: Sections 136, 4980.60, 4990.11 and 4990.20, Business and Professions Code. Reference: Sections ~~4980.07, 27 and 4990.08 and 4990.12~~, Business and Professions Code.

§ 1805. APPLICATIONS

Applications submitted to the board for registration or licensure shall be on a form prescribed by the board. Applicants for registration or licensure shall provide a telephone number, email address and a passport-acceptable photograph, as set forth by the U.S. Department of State, of the applicant’s head and shoulders. Applicants shall sign the application under penalty of perjury.

Applicants for licensure shall provide documentation of completed supervised experience that includes the supervisor’s telephone number, and the address and telephone number of the applicant’s employer or volunteer work setting. The supervisor shall sign the documentation of experience under penalty of perjury.

Note: Authority Cited: Sections 4980.60 and 4990.20 (a), Business and Professions Code. Reference: Sections 4980.30, 4980.40, 4980.44, 4980.50, 4989.20, 4992, 4992.1, 4996.2, 4996.18, 4999.42, 4999.50 and 4999.53, Business and Professions Code.

§1805.1. PERMIT PROCESSING TIMES

~~"Permit" as defined by the Permit Reform Act of 1981 means any license, certificate, registration, permit or any other form of authorization required by a state agency to engage in a particular activity or act. Processing times for the board's various programs are set forth below. The actual processing times reflect the period from the date the board receives an application to the date a license or registration is issued, and apply to those persons who take and pass the first actual available examination.~~

<i>PROGRAM</i>	Maximum time for notifying that application is complete or deficient	Maximum time after receipt of a complete application to issue or deny license or registration	ACTUAL PROCESSING TIMES BASED ON PRIOR TWO YEARS		
			<i>Minimu m</i>	<i>Median</i>	<i>Maximu m</i>
MFT Intern Registration	60 days	30 days	15	100	186
MFT License	90 days	120 days	104	182	260
LCSW Associate Registration	60 days	30 days	15	53	90
LCSW License	90 days	120 days	104	178	253
LEP License	90 days	120 days	98	179	260
CE Provider Approval	30 days	30 days	n/a	n/a	n/a
MFT Referral Service Registration	30 days	30 days	n/a	n/a	n/a
All Renewals	30 days	60 days	28	42	56

Note: Authority Cited: Sections 650.4, 4980.60 and 4990.20, Business and Professions Code. Reference: Section 15376, Government Code.

§1811. ADVERTISING

(a) All persons or referral services regulated by the board who advertise their services shall include all of the following information in any advertisement:

(1) The full name of the licensee, registrant, or registered referral service as filed with the board.

(2) The complete title of the license or registration held or an acceptable abbreviation, as follows:

(A) Licensed Marriage and Family Therapist, or MFT, or LMFT.

(B) Licensed Educational Psychologist or LEP.

(C) Licensed Clinical Social Worker or LCSW.

(D) (i) Marriage and Family Therapist Registered Intern or MFT Registered Intern. The abbreviation "MFTI" shall not be used in an advertisement

unless the title “marriage and family therapist registered intern” appears in the advertisement. This provision shall expire on December 31, 2018

(ii) Registered Associate Marriage and Family Therapist or Registered Associate MFT. The abbreviation “AMFT” shall not be used in an advertisement unless the title “registered associate marriage and family therapist” appears in the advertisement.

(E) Registered Associate Clinical Social Worker or Registered Associate CSW. The abbreviation “ASW” shall not be used in an advertisement unless the title “registered associate clinical social worker” appears in the advertisement.

(F) Registered MFT Referral Service.

(G) Licensed Professional Clinical Counselor or LPCC.

(H) (i) Professional Clinical Counselor Registered Intern or PCC Registered Intern. The abbreviation “PCCI” shall not be used in an advertisement unless the title “professional clinical counselor registered intern” appears in the advertisement. This provision shall expire on December 31, 2018

(ii) Registered Associate Professional Clinical Counselor or Registered Associate PCC. The abbreviation “APCC” shall not be used in an advertisement unless the title “registered associate professional clinical counselor” appears in the advertisement.

(3) The license or registration number.

(b) Registrants must include the name of his or her employer in an advertisement, or if not employed, the name of the entity for which he or she volunteers.

(c) Licensees may use the words “psychotherapy” or “psychotherapist” in an advertisement provided that all the applicable requirements of subsection (a) are met.

(d) It is permissible for a person to include academic credentials in advertising as long as the degree is earned, and the representations and statements regarding that degree are true and not misleading and are in compliance with Section 651 of the Code. For purposes of this subdivision, “earned” shall not mean an honorary or other degree conferred without actual study in the educational field.

(e) The board may issue citations and fines containing a fine and an order of abatement for any violation of Section 651 of the Code.

(f) For the purposes of this section, "acceptable abbreviation" means the abbreviation listed in subsection (a)(2) of this Section.

Note: Authority cited: Sections 129.5, 137, 650.4, 651, 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 137, 651, 4980, 4980.09, 4980.44, 4996.18, 4999.12.5 and 4999.45, Business and Professions Code.

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To: Policy and Advocacy Committee Members **Date:** September 15, 2016
From: Rosanne Helms **Telephone:** (916) 574-7897
Legislative Analyst
Subject: LMFT Statute and Regulations: Proposed Supervision Amendments

The Board's Supervision Committee met 11 times beginning in April 2014, and ending in August 2016. The Committee's work initially resulted in the 2015 legislation which streamlined the experience categories required for licensure. This document represents the remainder of the Committee's work, and pertains mainly to qualifications of supervisors, supervisor responsibilities, types of supervision provided, and employment.

Some of the changes being proposed are significant, and are based on the results of a survey of supervisors and supervisees, a large amount of stakeholder feedback, and supervision standards in other states. When considering proposed changes, the Committee attempted to balance any potential barriers to providing supervision with the needs expressed by stakeholders, as well as the need for public protection.

Attachment A contains a draft of proposed amendments to licensed marriage and family therapist (LMFT) statute and regulations based on the recommendations of the Committee.

The proposed language changes in Attachment A are color coded as follows:

- **Blue** strikeout/underline indicates text that has simply been moved from one location to another.
- **Red** or **Green** strikeout/underline indicates new language, which ranges from minor changes in wording to more significant changes.
 - Text shown in **Red** are amendments made by the Supervision Committee.
 - Text shown in **Green** are amendments made after the last Supervision Committee meeting, and include suggestions from DCA Legal.

To follow is a summary of the proposed amendments. Most of the amendments are the same across all three license types (LCSW, LMFT and LPCC). However, some are specific to the LMFT program. *Italicized text at the bottom of each item indicates whether the amendments are the same or if they differ by license type.* This should assist the Committee and stakeholders to perform a streamlined review of all three related agenda items.

1. **Revised Titles and Definitions of “Intern” and “Applicant”:** The titles and definitions of “Intern” and “Applicant” have been amended.

First, the “intern” title has been changed to “associate” to comply with the title change that becomes effective on January 1, 2018. The definition of “Associate” (formerly “Intern”) now includes either someone who is registered with the Board, or someone who applies for registration as an associate within 90 days of the degree award date.

The definition of “Applicant” was renamed “Applicant for licensure.” The definition was amended to mean an unlicensed person who has completed the required education and required hours of supervised experience for licensure.

Section Affected: BPC §4980.03(b) and (d); Change also proposed for LPCC.

2. **Split BPC Section 4980.43:** BPC Section 4980.43 has been divided into smaller sections, with each new section focused on a specific topic of supervision.

Sections Affected: BPC §§4980.43-4980.43.5; Change for LMFT only.

3. **Supervisors Licensed for at Least Two Years:** Current law requires a supervisor to have been licensed in California for at least two years. The amendments allow a licensee to supervise only if he or she has been actively licensed in California or holds an equivalent license in any other state for at least two of the past five years immediately prior to commencing any supervision.

Sections Affected: BPC §4980.03, 16 CCR §§1833.1(a)(1), 1833.2; Change also proposed for LPCC and LCSW.

4. **Experience Required of Supervisors:** In order to supervise a registrant, current regulations require a supervisor to have practiced psychotherapy or provided direct clinical supervision for 2 of the past 5 years.

However, the wording of this law is inconsistent across the Board’s license types, and in some cases it is unclear if supervision of LPCC trainees or master’s level social work students counts as qualifying supervisory experience. An amendment would clarify that supervision of LPCC trainees or social work students is acceptable as experience to qualify as a supervisor, and makes the language consistent for each of the Board’s license types.

This language has also been added to statute for clarity.

Section Affected: BPC §4980.03, 16 CCR §1833.1(a)(5); Change also proposed for LPCC and LCSW.

5. **Definition of Supervision:** The definition of “supervision” has been revised to include responsibility for, and control of, the quality of services being provided. Some significant additions to the definition are as follows:
- A statement that consultation or peer discussion is not supervision and does not qualify as supervised experience. This is consistent with what is already in LCSW and LPCC law.
 - A statement about providing regular feedback to the supervisee.
 - An amendment to require the supervisor to monitor for and address any countertransference, intrapsychic, and interpersonal issues that may affect the supervisory or the practitioner-patient relationship;
 - An amendment stating that the supervisor should review progress notes, process notes, and other treatment records as he or she deems appropriate, and also an amendment stating the supervisor should engage in direct observation or review of audio or video recordings, with client written consent, as the supervisor deems appropriate.

Sections Affected: BPC §4980.43.1, 16 CCR §1833.1; Change also proposed for LCSW and LPCC.

6. **Prohibition on Independent Contracting - Gaining Experience vs Performing Services:** Current LMFT statute states that MFT trainees and associates may only gain experience as an employee or a volunteer, and that experience shall not be gained as an independent contractor (BPC §4980.43(c)).

However, LMFT regulations differ slightly, stating that associates and trainees may only perform services as employees or volunteers, and not as independent contractors (16 CCR 1833(d)(3)).

The Supervision Committee discussed clarifying the language to state that no trainees, associates, or applicants for licensure are allowed to perform services or gain experience within the defined scope of practice of the profession, as an independent contractor.

Section Affected: BPC §4980.43.4; Change also proposed for LPCC and LCSW, though some of this language is new for LCSW.

7. Prohibition on Independent Contracting - Submission of 1099 Documentation:

Applicants for licensure occasionally submit a “1099” tax form, which typically indicates the individual was an independent contractor. However, the applicant may truly have been a volunteer, but received reimbursement of expenses (such as travel) which resulted in the employer issuing a 1099.

Current law allows those who receive a maximum of \$500 per month as reimbursement of expenses, to be considered as an employee and not an independent contractor. Applicants must demonstrate that the payments were for reimbursement of expenses actually incurred. The Supervision Committee decided that the specific dollar amount should be removed from the law.

In addition, staff is increasingly aware of individuals who are awarded a stipend or educational loan repayment as an incentive for working in an underserved region, or from a program designed to encourage demographically underrepresented groups to enter the profession. An exception for stipends and loan repayments is also proposed to be added.

Section Affected: BPC §4980.43.4(g),(h); Change also proposed for LPCC and LCSW.

- 8. Handling Crises and Emergencies:** The American Counseling Association’s Ethical Code requires supervisors to establish and communicate to supervisees procedures for contacting either the supervisor, or an alternate on-call supervisor, in a crisis. The Supervision Committee decided to adopt this requirement for all supervisors.

Section Affected: 16 CCR §1833.1(a)(11); Change also proposed for LPCC and LCSW.

- 9. Direct Supervisor Contact:** Currently, trainees and associates must receive one hour of direct supervisor contact per week per work setting. Supervisees must obtain additional supervision once they perform a specified amount of client contact in each setting.

The amendment changes “client contact” to “direct clinical counseling” as the basis for which the amount of supervision is determined. References to “direct counseling” in Sections 4980.03(f) and 4980.43(a)(8) have been amended to instead reference “direct clinical counseling” for consistency.

Section Affected: BPC §§ 4980.03(f), 4980.43(a)(8), 4980.43.2(a)(1), (2); Change also proposed for LPCC and LCSW.

- 10. Amount of Direct Supervisor Contact Required for Applicants Finished Gaining Experience Hours:** Currently, the statute does not specifically define how much direct supervisor contact an associate MFT or PCC needs once he or she is finished gaining experience hours needed to count toward licensure. (An associate gaining experience hours must obtain at least one hour of direct supervisor contact in each week, plus one additional hour in that week if more than 10 hours of direct client contact is gained, in order for the hours to count.)

At a previous meeting, the Committee recommended that the amount of supervision should be specified even if experience hours are no longer being counted. This amendment requires associates and applicants who have finished gaining experience hours to obtain at least one hour of supervision per week for each setting in which direct clinical counseling is performed. Supervision for nonclinical practice would be at the supervisor's discretion.

Section Affected: BPC §4980.43.2(i); Change also proposed for LPCC and LCSW.

- 11. Definition of "One Hour of Direct Supervisor Contact"; Triadic Supervision:** These revisions provide a specific definition of "one hour of direct supervisor contact." Triadic supervision (one supervisor meeting with two supervisees) is now included in this definition.

Section Affected: BPC §4980.43.3(b); Change also proposed for LPCC and LCSW.

- 12. Amount of Individual Supervision:** Current regulations require 52 of the 104 supervised weeks to have included one hour per week of individual supervision.

Staff believes this requirement is significant and it is more appropriately stated in statute rather than regulations. The requirement has also been amended to allow this 52 weeks of supervision to either be individual or triadic.

Section Affected: BPC §4980.43.3(d); Change also proposed for LPCC.

- 13. Supervision in a Group:** Current statute allows group supervision to consist of up to 8 supervisees. An amendment states that the supervisor must ensure that the amount of supervision is appropriate to each supervisee's needs.

Section Affected: BPC §4980.43.3(e); Change also proposed for LPCC and LCSW.

- 14. Supervision via Videoconferencing and HIPAA Compliance:** BPC Section 4980.43.3 contains language allowing an associate working in an exempt setting to obtain supervision via videoconferencing. The Committee asked to add a statement requiring the videoconferencing be HIPAA compliant.

In the past, the Board has expressed a preference to refrain from mentioning HIPAA directly in statute, as its name could possibly change over time. Therefore, staff has added a statement that *"The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information."*

Section Affected: BPC §4980.43.3; Change also proposed for LPCC and LCSW.

15. Marriage and Family Therapy Corporations: Current statute limits the number of registrants a marriage and family corporation may employ. However, the use of the word “employ” is intended to include both employees and volunteers. Since volunteers are not actually “employed,” the language has been revised to more accurately account for this.

Additionally, the language regarding limits on number of registrants working for marriage and family corporations has been separated into subsections for clarity purposes.

Section Affected: BPC §4980.43.5; Change also proposed for LPCC and LCSW.

16. Supervision in a Non-Private Practice Setting – Written Agreement: Currently, a supervisor only needs to sign a written agreement with the supervisee’s employer if the supervisor is a volunteer (volunteer supervisors are not allowed in private practice settings). The purpose of the agreement is to document that the employer agrees to provide the supervisor with access to records and will not interfere with the supervisor’s legal and ethical responsibilities.

An amendment was made to require a written agreement when the setting is a non-private practice and the supervisor is not employed by the applicant’s employer or is a volunteer.

Proposed amendments would require the written agreement to contain an acknowledgement by the employer that the employer is aware the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

Sections Affected: BPC §4980.43.5(e), 16 CCR §1833(a); Change also proposed for LPCC and LCSW (though current LCSW law differs).

17. Unprofessional Conduct: This section currently states that the following two items are unprofessional conduct:

4982(r) Any conduct in the supervision of any registered intern, associate clinical social worker, or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.

4982 (u) The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

Staff believes these two sections are duplicative, and that subsection 4982(r) is unnecessary. Subsection 4982(u) already gives the Board the authority to take disciplinary action on, or to issue a citation and fine to, a licensee or registrant who violates any of the supervision provisions in statute and regulation. Therefore, this proposal deletes subsection 4982(r).

In addition, unprofessional conduct language related to discipline is inconsistent between LMFT, LCSW, and LPCC statute. For consistency, the language in 4982(u) will be amended into the LCSW and LPCC unprofessional conduct provisions as well.

Section Affected: BPC §4982; Change also proposed for LPCC and LCSW.

18. Delete Duplicative and Obsolete Language in Regulations: Many of the provisions in regulation section 1833 are either already in statute, or they became obsolete with the passage of SB 620 (Chapter 262, Statutes of 2015), which streamlined many of the supervised experience category requirements for licensure. These unnecessary subsections were deleted. Other subsections were moved to statute, if staff believed that location was more appropriate. The remaining provisions of section 1833 discuss specific forms that supervisors or supervisees are required to complete.

Section Affected: 16 CCR §1833; Change to LMFT only.

19. Substitute Supervisors: It is sometimes necessary for supervisees to temporarily have a substitute supervisor. This situation may happen with or without warning. The Supervision Committee has recommended language that would clarify the specific requirements and necessary documentation for a temporary substitute supervisor, based on how long the substitute will be filling in.

Section Added: 16 CCR §1833.1.5; Change also proposed for LCSW and LPCC.

20. Required Training and Coursework for Supervisors: This section requires supervisors commencing supervision for the first time in California, beginning January 1, 2019, to complete a 15 hour supervision course covering specified topic areas. This is consistent with a similar requirement already in place for LCSW supervisors. Age limits for the course are specified, and the course can be counted as continuing education if taken from an accepted provider. Any supervisor who has not supervised in 2 of the last 5 years, must re-take a 6 hour course.

This new section also specifies that supervisors must complete 6 hours of continuing professional development in each subsequent renewal period while supervising. This can consist of a supervision course, or other professional development activities such as teaching, research, or supervision mentoring. All of these activities must be documented.

Due to concerns from DCA Legal since the final Supervision Committee meeting, the option to count research published professionally toward the continuing professional development requirement was clarified. The language now states the following: *“This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, newsletters, or other published work deemed equivalent by the board. It shall not include personal opinion papers, editorials, or blogs.”*

Staff also worked with legal counsel to clarify the option of receiving mentoring from another supervisor, or “supervision of supervision” as continuing professional development. That language now reads as follows: “*Collaboration with another board licensee who also qualifies as a supervisor through use of mentoring or consultation.*”

The Committee may wish to discuss these new amendments further.

An exception to the initial and ongoing training requirements is proposed for a supervisor who holds a supervision certification from one of four specified entities. The Board also has discretion to accept certification from another entity if it believes its requirements are equivalent or greater. Such a certification exempts the supervisor from the 15 hour coursework and 6 hour professional development requirements, and it allows them to waive the requirement that they must have been licensed and either supervising or practicing psychotherapy for two of the past five years prior to commencing any supervision.

The proposed language is specifically worded so that it only applies to supervisors who are also Board licensees. Supervisors who are licensed psychologists or psychiatrists would not need to complete the supervision training and coursework, consistent with current law.

Section Added: 16 CCR §1834; Change also proposed for LPCC and LCSW.

21. Annual Assessment: Current LCSW regulations require a supervisor to complete an annual assessment of the strengths and limitations of the registrant and to provide the registrant with a copy. The Committee decided that an annual assessment should also be required for LMFT and LPCC applicants.

Section Affected: 16 CCR §1833.1(a)(10); Change also proposed for LPCC.

22. Supervisory Plan: LCSW and LPCC regulations require the supervisor and the supervisee to develop a supervisory plan that describes goal and objectives of supervision. The registrant is required to submit the signed plan when applying for licensure. The Committee decided to require a supervisory plan for LMFT applicants as well. This form will be merged with the Supervision Agreement as discussed in item #23 below.

Section Affected: 16 CCR §1833(c); Change to LMFT only.

23. Supervision Agreement Form: Currently, all supervisors must sign a “Supervisor Responsibility Statement” whereby the supervisor signs under penalty of perjury that he or she meets the requirements to become a supervisor, and understands his or her specific responsibilities as set forth in law.

The Committee has proposed that a “Supervision Agreement” would replace both the “Supervisor Responsibility Statement” and the “Supervisory Plan” forms. The “Supervision Agreement” would be completed by both the supervisor and supervisee, and signed under penalty of perjury. It would include information about the supervisor’s qualifications, and an acknowledgement of supervisor and supervisee responsibilities. The original would be retained by the supervisee and submitted to the Board upon application for licensure. See Attachment D for the draft “Supervision Agreement”.

Sections Affected: 16 CCR §§1833(c), 1833.1(d); Change also proposed for LPCC and LCSW.

24. Weekly Log: The “Weekly Log” form is for the purpose of tracking completed supervised experience. The form is currently incorporated by reference into the actual regulation, which means that a regulation change process is necessary in order to change the text of the form. To avoid this hurdle, staff has proposed language that would instead specify the required content of the weekly log, rather than including the actual form in the regulation.

Section Affected: 16 CCR §1833(d); Change also proposed for LPCC (weekly log will be newly required for LCSW).

25. Experience Verification: Staff became aware that current law does not explicitly specify that supervisors must sign off on experience hours at the completion of supervision. The proposed regulations now clarify this requirement.

Section Affected: 16 CCR §1833(e); Change also proposed for LPCC and LCSW.

26. Supervisor Registration: The committee has proposed requiring all supervisors to register with the Board. Currently, the Board has no record of the licensees who are supervising trainees and associates until an applicant for licensure submits verification of supervised experience. The verifications are retained in applicant files.

Some of the benefits to registering supervisors are:

- Supervisees will have more assurance that his or her supervisor meets all requirements.
- Supervisors will have more awareness of (and better adherence to) requirements, which better protects the supervisee.
- Supervisors will be searchable online through Breeze.
- The Board will have the ability to target communications directly to supervisors.

The Committee attempted to create a framework for supervisor registration that increases accountability without creating a significant impact on current or future supervisors.

The supervisor's registration with the Board would be initiated by submission of a "Supervisor Self-Assessment Report," signed under penalty of perjury. This report form will provide the supervisor's specific qualifications, and will require the supervisor to acknowledge certain responsibilities set forth in law. For BBS licensees who qualify as a supervisor, a "supervisor" status will be added to the licensee's Breeze record.

Implementation of this framework would create a significant new workload that cannot be absorbed by existing staff. In addition, there would be a fiscal impact to the Board for new positions and Breeze changes.

The effective date of this requirement would be delayed to January 1, 2020 to allow time for the Breeze system to be modified so that supervisors who are BBS licensees will be searchable. New supervisors would be required to submit the "Supervisor Self-Assessment Report" within 60 days of commencing any supervision. The deadline date for existing supervisors (those supervising prior to January 1, 2020) is proposed to be December 31, 2020.

This extended deadline for existing supervisors is necessary so that the workload for this new program is manageable. The California Association of Marriage and Family Therapist's 2015 demographic survey indicates that about 30% of licensees are also clinical supervisors. The Board currently has nearly 65,000 licensees with an active, inactive or expired license. Staff is waiting on the breakdown of this number by license status, which will be provided at the meeting. Regardless of the breakdown, it is clear that thousands of applications will be submitted.

See Attachment C for the draft "Supervisor Self-Assessment Report".

Sections Affected: 16 CCR §§1833(b), 1833.1(d); Change also proposed for LPCC and LCSW.

27. Timelines for Supervisors: The proposed regulations establish timelines to complete specified activities as follows:

- The "Supervisor Self-Assessment Report" must be completed within 60 days of a new supervisor commencing any supervision. The effective date would be January 1, 2020. For existing supervisors, the report must be submitted by December 31, 2020.
- The "Supervision Agreement" must be completed within 60 days of commencing supervision with any individual supervisee.

- The initial 15 hour supervision training course must be completed by new supervisors within 2 years prior to commencing supervision (within 4 years if taken from a graduate program at an accredited or approved school), or within 60 days after commencing supervision.

Sections Affected: 16 CCR §§ 1833, 1833.1, 1834; Change also proposed for LPCC and LCSW.

28. Audits of Supervisors: A section has been added to allow the Board to audit a supervisor's records to verify they meet the supervisor qualifications specified in statute and regulations. It requires supervisors to maintain records of completion of the required supervisor qualifications for seven years after the completion of supervision, (consistent with statute regarding record retention) and to make these records available to the Board for an audit upon request.

The Board would likely audit a supervisor during a continuing education audit or if a complaint was received. The "Supervisor Self-Assessment Report" would be used in such audits.

Section Added: BPC §4980.43.5; Change also proposed for LPCC and LCSW.

ATTACHMENTS:

Attachment A: Proposed LMFT Supervision Language

Attachment B: Reference Sections – Current Law: BPC §4980.43, 16 CCR §§ 1833, 1833.1, 1833.2

Attachment C: Draft "Clinical Supervisor Self-Assessment Report" form

Attachment D: Draft "Supervision Agreement" form

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ATTACHMENT A
PROPOSED LMFT SUPERVISION LANGUAGE

- Blue strikeout/underline indicates text that has simply been moved from one location to another.
- Red or Green strikeout/underline indicates new language, which ranges from minor changes in wording to more significant changes.
 - Text shown in Red are amendments made by the Supervision Committee.
 - Text shown in Green are amendments made after the last Supervision Committee meeting, and include suggestions from DCA Legal.

§4980.03. DEFINITIONS

(a) “Board,” as used in this chapter, means the Board of Behavioral Sciences.

(b) “InternAssociate,” as used in this chapter, means an unlicensed person who has earned his or her master’s or doctoral degree qualifying him or her for licensure and ~~is registered with the board, meets one of the following definitions, unless otherwise specified:~~

(1) The individual is registered with the board as an associate

(2) The individual’s degree was awarded and he or she applies for registration as an associate within 90 days of the degree award date.

(c) “Trainee,” as used in this chapter, means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Sections 4980.36 and 4980.37, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(d) “Applicant, for licensure” as used in this chapter, means an unlicensed person ~~who has completed a master’s or doctoral degree program, as specified in Sections 4980.36 and 4980.37, and whose application for registration as an intern is pending, or an unlicensed person~~ who has completed the required education and required hours of supervised experience requirements for licensure as specified in this chapter, ~~is no longer registered with the board as an intern, and is currently in the examination process.~~

(e) “Advertise,” as used in this chapter, includes, but is not limited to, any public communication, as defined in subdivision (a) of Section 651, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. Signs within religious buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

(f) “Experience,” as used in this chapter, means experience in interpersonal relationships, psychotherapy, marriage and family therapy, direct clinical counseling, and nonclinical practice that satisfies the requirements for licensure as a marriage and family therapist pursuant to Section 4980.40.

(g) “Supervisor,” as used in this chapter, means an individual who meets all of the following requirements:

~~(1) Has been licensed by a state regulatory for at least two years as a marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology. Has been actively licensed in California or has held an active equivalent license in any other state, as a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, or licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, for at least two of the past five years immediately prior to commencing any supervision.~~

~~(2) If a licensed professional clinical counselor, the individual shall meet the additional training and education requirements specified in paragraph (3) of subdivision (a) of Section 4999.20. Meets the additional training and education requirements specified in paragraph (3) of subdivision (a) of Section 4999.20 if the supervisor is a licensed professional clinical counselor.~~

~~(3) Has practiced psychotherapy or provided direct clinical supervision of LMFT trainees, associate MFTs, associate PCCs, or associate clinical social workers, who perform psychotherapy, for at least (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master’s or doctoral program, or PCC trainees, who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the students is substantially equivalent to the supervision required for registrants.~~

~~(4) Has received professional training in supervision, as specified in this chapter and by regulation.~~

~~(35) Has not provided therapeutic services to the trainee or intern supervisee.~~

~~(46) Has and maintains a current and validactive California license that is not under suspension or probation.~~

~~(57) Complies with supervision requirements established by this chapter and by board regulations.~~

(h) “Client centered advocacy,” as used in this chapter, includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

§4980.43. PROFESSIONAL EXPERIENCE; **INTERNASSOCIATES OR TRAINEES**

(a) To qualify for licensure as specified in Section 4980.40, each applicant shall complete experience related to the practice of marriage and family therapy under a supervisor who meets the qualifications set forth in Section 4980.03. The experience shall comply with the following:

(1) A minimum of 3,000 hours of supervised experience completed during a period of at least 104 weeks.

(2) A maximum of 40 hours in any seven consecutive days.

(3) A minimum of 1,700 hours obtained after the qualifying master's or doctoral degree was awarded.

(4) A maximum of 1,300 hours obtained prior to the award date of the qualifying master's or doctoral degree.

(5) A maximum of 750 hours of counseling and direct supervisor contact prior to the award date of the qualifying master's or doctoral degree.

(6) No hours of experience may be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction.

(7) No hours of experience may be gained more than six years prior to the date the application for ~~examination-eligibility~~licensure was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(8) A minimum of 1,750 hours of direct clinical counseling with individuals, groups, couples, or families, that includes not less than 500 total hours of experience in diagnosing and treating couples, families, and children.

(9) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to marriage and family therapy that have been approved by the applicant's supervisor.

(10) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

This subdivision shall only apply to hours gained on and after January 1, 2010.

(b) An individual who submits an application for ~~examination-eligibility~~licensure between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements of this section that were in place on January 1, 2015.

~~(c) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained by an intern or trainee only as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by an intern or trainee as an independent contractor.~~

~~(1) If employed, an intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure.~~

~~(2) If volunteering, an intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure.~~

~~(d) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (9) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:~~

~~(1) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(2) An individual supervised after being granted a qualifying degree shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of client contact is gained in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours per week of face-to-face contact in a group.~~

~~(4) Direct supervisor contact shall occur within the same week as the hours claimed.~~

~~(5) Direct supervisor contact provided in a group shall be provided in a group of not more than eight supervisees and in segments lasting no less than one continuous hour.~~

~~(6) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.~~

~~(7) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.~~

~~(8) The six hours of supervision that may be credited during any single week pursuant to paragraphs (1) and (2) shall apply to supervision hours gained on or after January 1, 2009.~~

~~(e) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:~~

~~(A) Lawfully and regularly provides mental health counseling or psychotherapy.~~

~~(B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.~~

~~(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed professional clinical counselor, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~

~~(2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.~~

~~(f) (1) An intern may be credited with supervised experience completed in any setting that meets both of the following:~~

~~(A) Lawfully and regularly provides mental health counseling or psychotherapy.~~

~~(B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.~~

~~(2) An applicant shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (e), until registered as an intern.~~

~~(3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.~~

~~(4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee that has satisfied subdivision (g) of Section 4980.03. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the private practice. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.~~

~~(5) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.~~

~~(g) Except as provided in subdivision (h), all persons shall register with the board as an intern to be credited for postdegree hours of supervised experience gained toward licensure.~~

~~(h) Postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctoral degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.~~

~~(i) Trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.~~

~~(j) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. For purposes of paragraph (3) of subdivision (a) of Section 2290.5, interns and trainees working under licensed supervision, consistent with subdivision (c), may provide services via telehealth within the scope authorized by this chapter and in accordance with any regulations governing the use of telehealth promulgated by the board. Trainees and interns shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employers.~~

~~(k) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered employees and not independent contractors. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.~~

~~(l) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.~~

§4980.43.1 SUPERVISION DEFINITION; REGISTRATION AS AN INTERN

(a) All applicants for licensure, trainees, and internsassociates shall be at all times under the supervision of a supervisor as specified in this chapter and by regulation.

(b) The term "supervision", as used in this chapter, means responsibility for, and control of, the quality of services being provided by the supervisee. Consultation or peer

discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, the following:

- (1) Ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised.
- (2) ~~Reviewing client or patient records,~~ Monitoring and evaluating the supervisee's assessment, diagnosis, and treatment decisions and providing regular feedback.
- (3) Monitoring and evaluating the supervisee's ability to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.
- (4) Monitoring for and addressing any countertransference, intrapsychic, or interpersonal issues that may affect the supervisory or the practitioner-patient relationship.
- (5) Ensuring the supervisee's compliance with laws and regulations governing the practice of marriage and family therapy.
- (6) Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.
- (7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.

§4980.43.2 REGISTRATION AS AN ASSOCIATE

(a) All applicants for licensure as a licensed marriage and family therapist must first register as an associate and satisfy the required supervised experience.

(b) Except as provided in subdivision (c), all persons shall have an active associate registration with the board in order to gain postdegree hours of supervised experience.

(c) Postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the internassociate registration within 90 days of the granting of the qualifying master's or doctoral degree and is thereafter granted the internassociate registration by the board. An applicant shall not be employed or volunteer in a private practice until an associate registration has been issued by the board.

§4980.43.3 DIRECT SUPERVISOR CONTACT

(a) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (9) of subdivision (a) of section 4980.43, supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:

(1) ~~An individual supervised after being granted a qualifying degree~~ An associate gaining experience shall receive at least one additional hour of direct supervisor contact ~~for~~in every week in which more than 10 hours of ~~client contact~~direct clinical counseling is ~~gained~~performed in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(2) A trainee shall receive an average of at least one hour of direct supervisor contact in each week for every five hours of ~~client contact~~ direct clinical counseling that is performed in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(b) “One hour of direct supervisor contact” means any of the following:

- 1) Individual supervision, defined as one hour of face-to-face contact between one supervisor and one supervisee.
- 2) Triadic supervision, defined as one hour of face-to-face contact between one supervisor and two supervisees.
- 3) Group supervision, defined as two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) An applicant for licensure shall have received at least one (1) hour per week of direct supervisor contact that is individual and/or triadic, as specified in subdivisions (1) or (2) of subsection (b), for a minimum of 52 weeks.

(e) When conducting group supervision, the supervisor shall ensure that the amount and degree of supervision is appropriate to each supervisee’s needs.

(f) Notwithstanding subsection (b), an associate working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that ~~client confidentiality is upheld~~ compliance with state and federal laws relating to confidentiality of patient health information.

(g) All experience gained by a trainee or associate shall be monitored by the supervisor as specified by this chapter and by regulation.

(h) The six hours of supervision that may be credited during any single week pursuant to paragraphs (1) and (2) of subsection (a) shall apply to supervision hours gained on or after January 1, 2009.

(i) Notwithstanding any other provision of law, once the required number of experience hours are gained, associates and applicants for licensure shall receive a minimum of one hour of direct supervisor contact per week for each setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice as defined in section 4980.43(a)(9) is at the supervisor's discretion.

§4980.43.4 SUPERVISION: ACCEPTABLE SETTINGS; ACCEPTABLE SUPERVISION PRACTICES

(a) Supervised experience shall be gained by an intern or trainee only as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by an intern or trainee as an independent contractor. Marriage and family therapist Trainees, associates, and applicants for licensure shall only perform services as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. No trainee, associate, or applicant for licensure shall perform any services or gain any experience within the scope of practice of the profession, as defined in section 4980.02, as an independent contractor.

(1) If employed, an associate shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure.

(2) If volunteering, an associate shall provide the board with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained. This letter shall be provided to the board upon application for licensure.

(b) (1) A trainee shall not perform services in a private practice. A trainee may be credited with supervised experience completed in any setting that meets all of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

(C) Is not a private practice. owned by a licensed marriage and family therapist, a licensed professional clinical counselor, a licensed psychologist, a licensed

~~clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~

~~(2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.—Only experience gained in the position for which the trainee either volunteers or is employed shall qualify as supervised experience.~~

~~(c) (1) An associate may be credited with supervised experience completed in any setting that meets both of the following:~~

~~(A) Lawfully and regularly provides mental health counseling or psychotherapy.~~

~~(B) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.~~

~~(2) While an associate may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.~~

~~(3) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.—Only experience gained in the position for which the associate either volunteers or is employed shall qualify as supervised experience.~~

~~(4) An applicant for registration as an associate shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (b), until an associate registration has been issued by the board.~~

~~(d) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.~~

~~(e) Trainees, associates, and applicants for licensure shall not receive any remuneration from patients or clients, and shall only be paid by their employers.~~

~~(f) Trainees, associates and applicants for licensure shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employers.~~

~~(g) Trainees, associates, and applicants for licensure who provide volunteered voluntary services in any lawful work setting other than a private practice, or other services, and who only receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those the trainees, associates, or applicants for services rendered in any lawful work setting other than a private practice shall be considered an employees and not an independent~~

contractors. The board may audit applicants for licensure who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(h) Trainees, associates and applicants for licensure who received a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession, or to improve recruitment and retention in underserved regions or settings, shall be considered an employee and not an independent contractor. The board may audit applicants who receive a stipend or student loan repayment, and the applicants shall have the burden of demonstrating that the payments received were for the specified purposes.

(i) For purposes of paragraph (3) of subdivision (a) of Section 2290.5, associates and trainees working under a licensed supervisionsupervisor, consistent with this chapter, may provide services via telehealth within the scope authorized by this chapter and in accordance with any regulations governing the use of telehealth promulgated by the board.

(j) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her associates and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institutions and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

~~§4980.45. EMPLOYMENT OR SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS 4980.43.5 OVERSIGHT OF SUPERVISEES; MAXIMUM NUMBER OF REGISTRANTS~~

(a) Trainees, associates, and applicants for licensure shall only perform services at the place where their employer regularly conducts business and services, which may include performing services at other locations, as long as the services are performed under the direction and control of their employer and their supervisor, and in compliance with the lawsstatutes and regulations pertaining to supervision.

(b) Except for periods of time during a supervisor's vacation or sick leave, an associate who is employed or volunteering in private practice shall be under the direct supervision of a licensee that has satisfied subdivision (g) of Section 4980.03. The supervising licensee shall supervisor who is either be employed by and practices at the same site as the associate's employer, or shall be is an owner or shareholder of the private practice.

(a)(c) A licensed professional in private practice who has satisfied the requirements of subdivision (g) of Section 4980.03 may supervise or employ, at any one time, no more than a total of three individuals registered as an associate marriage and family therapist,

~~a marriage and family therapist intern, clinical counselor intern, an associate professional clinical counselor~~ or an associate clinical social worker in that private practice.

~~(b)~~(d) The following limits shall apply to marriage and family therapy corporations:

(1) A marriage and family therapy corporation may ~~employ~~retain, at any one time, no more than a total of three ~~individuals—employees and volunteers~~ registered as an associate marriage and family therapist, an associate professional clinical counselor, or an a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (g) of Section 4980.03.

(2) In no event shall any marriage and family therapy corporation ~~employ~~retain, at any one time, more than a total of 15 ~~individuals—employees and volunteers~~ registered as an associate marriage and family therapist, an associate professional clinical counselor, or an a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker.

(3) In no event shall any supervisor supervise, at any one time, more than a total of three ~~individuals—employees and volunteers~~ registered as either ~~a marriage and family therapist intern, clinical counselor intern, or~~ an associate marriage and family therapist, an associate professional clinical counselor, or an associate clinical social worker. Persons who supervise ~~individuals—employees and volunteers~~ registered as either ~~a marriage and family therapist intern, clinical counselor intern, or an associate marriage and family therapist, an associate professional clinical counselor, or an~~ associate clinical social worker, shall be employed full time by the marriage and family therapy corporation and shall be actively engaged in performing professional services at and for the marriage and family therapy corporation.

(4) Employment and supervision within a marriage and family therapy corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

~~(e) In a private practice setting, the registered intern's supervisor must be an owner or shareholder of the private practice. Alternatively, the supervisor may be employed by the private practice and regularly conduct business at the same site as the registered intern.~~

~~(e) In a setting which is not a private practice, a written agreement, as specified in regulation, must be executed between the applicant's supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer as specified in regulation.~~

~~(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where a trainee or associate will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of~~

practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in ~~section 1833 and section 4980.43 of the Code.~~ this chapter and in regulation.

(g) Alternative supervision for an ~~associate~~ or trainee may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements set forth in this chapter and in regulation.

§4980.43.6 AUDITS OF SUPERVISORS

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. Supervisors shall maintain records of completion of the required supervisor qualifications for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

§4982. UNPROFESSIONAL CONDUCT

The board may deny a license or registration or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using of any of the

dangerous drugs specified in Section 4022, or of any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing marriage and family therapy services.

(d) Gross negligence or incompetence in the performance of marriage and family therapy.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a marriage and family therapist.

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee ~~or~~ registered intern, associate, or applicant for licensure under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

(m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of

treatment and all information about the client that is obtained from tests or other means.

(n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

~~(r) Any conduct in the supervision of any registered intern, associate clinical social worker, or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.~~

~~(sr)~~ Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

~~(ts)~~ Permitting a trainee, ~~or registered intern~~ associate or applicant for licensure under one's supervision or control to perform, or permitting the trainee, ~~or registered intern~~ associate or applicant for licensure to hold himself or herself out as competent to perform, professional services beyond the trainee's, ~~or registered intern's~~ associate's or applicant for licensure's level of education, training, or experience.

~~(ut)~~ The violation of any statute or regulation governing the gaining and supervision of experience required by this chapter.

~~(vu)~~ Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

~~(wv)~~ Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(~~xw~~) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(~~yx~~) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(~~zy~~) Failure to comply with Section 2290.5.

(~~aa~~) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(~~abaa~~) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

§1833. EXPERIENCE SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION

~~(a) In order for experience to qualify under Section 4980.40 of the Code, it must meet the following criteria:~~

~~—(1) It, it must have been gained in accordance with Sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.~~

~~—(2) Experience shall not be credited for more than forty (40) hours in any week.~~

~~—(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group counseling.~~

~~—(4) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.~~

~~(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern or trainee;~~

~~monitoring and evaluating the ability of the intern or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of marriage and family therapy. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:~~

~~–(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face to face supervisor contact or two (2) hours of face to face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.~~

~~–(2) The applicant shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.~~

~~–(3) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.~~

~~(4)(a) Pursuant to Section 4980.43.5 of the Business and Professions Code, in a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must shall be executed between the supervisor and the organization employer when the supervisor is not employed by the supervisee's employer or is a volunteer.;~~

~~(1) The written agreement shall be executed prior to commencement of supervision, in which the supervisor agrees~~

~~(2) The written agreement shall contain a declaration from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the intern or traineesupervisee is consistent with the intern or trainee'ssupervisee's training, education, and experience, and is appropriate in extent, kind, and quality.~~

~~(3) The agreement shall contain an acknowledgment by the employer that the employer:~~

~~(4) (i) Is aware of the licensing requirements that must be met by the intern or traineesupervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those~~

requirements; ~~and~~

~~(2) (ii) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainees supervisee; and~~

~~(iii) Is aware that the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.~~

~~(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by Section 4980.43 of the Code.~~

~~(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to marriage and family therapy will be credited.~~

~~(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in Section 4980.43 of the Code, will be credited.~~

~~(d) Experience gained by interns and trainees shall be subject to the following conditions, as applicable:~~

~~(1) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.~~

~~(2) A trainee shall not perform services in a private practice.~~

~~(3) Interns and trainees may only perform services as employees or volunteers and not as independent contractors.~~

~~(b) Effective January 1, 2020, supervisors shall complete and submit a self-assessment report of qualifications to be a supervisor, as specified in section 1833.1.~~

~~(c) A supervisor who assumes responsibility for providing supervision shall collaborate with the supervisee to develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan". (form no. _____), hereby incorporated by reference. This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted to the supervisee within 60 days of commencing supervision.~~

~~(c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.~~

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to the effective date of this regulation shall complete a supervisory plan as required by subparagraph(3)(F), but are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed documentation with his or her application for licensure.

(3) The supervision agreement shall include all of the following:

- (A) The supervisor's qualifications to be a supervisor as specified in section 1833.1, and in section 4980.03 of the Code.
- (B) ~~An affirmation by the supervisor of his or her~~The supervisor states that he or she understandsing of the requirements pertaining to registration of the supervisee, work settings and employment, supervision practices and oversight of supervisees as specified in sections 4980.43.2, 4980.43.4 and 4980.43.5 of the Code.
- (C) ~~An affirmation by the supervisor of his or her~~The supervisor states that he or she understandsing of the requirements pertaining to direct supervisor contact as specified in section 4980.43.3 of the Code.
- (D) ~~An affirmation by the supervisor of his or her~~The supervisor states that he or she understandsing of the supervision documentation required by section 1833 and the Board's right to audit a supervisor's compliance with the requirements in this article and in the Code.
- (E) ~~An affirmation by the supervisee of his or her~~The supervisee states that he or she understandsing all of the following:
 - (i) Requirements pertaining to registration as an associate as specified in section 4980.43.2 of the Code.
 - (ii) ~~The requirement that a~~The supervisee's supervisor must hold a current and active California license while supervising in order for hours to count toward licensure as specified in section 1833.1.
 - (iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.
 - (iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4980.43.4 of the Code.
 - (v) The six-year limit pertaining to experience hours as specified in section 4980.43 of the Code.
- (F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1833.1, and in section 4980.43.1 of the Code.

(e)(d) Effective January 1, 1991, traineesTrainees and internsassociates shall maintain

a weekly log of all hours of experience gained toward licensure. The log, ~~form #1800 37A-524 (REV 1/11) and form #1800 37A-524a (REV 1/11)~~ of hours shall be signed by the supervisor on a weekly basis. An ~~applicant~~ associate or trainee shall retain ~~all the~~ signed logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience. The log shall include all of the following:

- (1) The name and address of the supervisee's work setting.
- (2) ~~A breakdown~~ Hours of the experience hours gained by category in a given week.
- (3) Total hours gained per week and total hours gained in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted by the supervisee upon application for licensure and shall include all of the following:

- (1) The supervisor's telephone number and license information.
- (2) The supervisee's employer's name, address and telephone number.
- (3) ~~Information about~~ Whether the supervisee's work setting complies with sections 4980.43.4 and 4980.43.5 of the Code.
- (4) If the supervisee is/was an intern/associate at the time the experience was gained, documentation of employment or volunteer status, as specified in section 4980.43.4 of the Code.
- (5) The applicant's accumulated hours of experience broken down by category.
- (6) The amount and type of supervision provided to the applicant.
- (7) The dates during which the experience was gained.
- (8) The supervisor's signature under penalty of perjury.

NOTE: Authority cited: Sections 4980.35 and 4980.60, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.40, and 4980.42 through ~~4980.45~~ 4980.43.5, Business and Professions Code.

§1833.1. REQUIREMENTS FOR SUPERVISORS

(a) Any person supervising a trainee or an ~~intern~~ associate (hereinafter "supervisor") within California shall comply with the requirements below.

~~(a) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" (revised 3/10, form #1800 37A-523), hereby incorporated by reference, requiring that:~~

(1) The supervisor possesses and maintains a current valid and active California license that is not under suspension or probation as either a marriage and family

therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4980.03 (g) of the Code and has been so licensed in California or in any other state for at least two of the past five years immediately prior to commencing any supervision. ~~;~~ ~~or~~

~~(A) Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and~~

~~(B) Has been licensed in California as specified in Section 4980.03 (g) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.~~

(2) A supervisor who is not licensed as a marriage and family therapist, shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.

(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep ~~The supervisor keeps~~ himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor ~~has and maintains a current license in good standing and~~ will immediately notify the trainee or intern/associate of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects the supervisor's ability or right to practice or supervise.

(5) The supervisor has practiced psychotherapy or provided direct ~~supervision of trainees, interns, associate clinical social workers, or professional clinical counselor interns~~ clinical supervision of MFT trainees, associate MFTs, associate PCCs, or associate clinical social workers, who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program, or PCC trainees, who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the students is substantially equivalent to the supervision required for registrants.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns/associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in Section 1834.

~~(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.~~

~~(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.~~

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns/associates and the experience required for licensure as a marriage and family therapist.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or intern/associate.

(9) The supervisor shall monitor and evaluate the associate's or trainee's extent, kind, and quality of counseling ~~performed by the trainee or intern~~ by review of progress notes, process notes, and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor. ~~direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.~~

(10) The supervisor shall complete an assessment of the ongoing strengths and limitations of the trainee or associate at least once a year and at the completion or termination of supervision. The supervisor shall provide the trainee or associate with a copy of all assessments.

~~(10)~~(11) The supervisor shall address with the trainee or intern the manner in which emergencies will be handled. establish written procedures for trainees or associates to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist trainees or associates in handling crises and emergencies. The supervisor shall provide these procedures to the trainee or associate.

~~(b) Each supervisor shall provide the trainee or intern with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" (revised 3/10, form #1800-37A-523) prior to the commencement of any counseling or supervision. Trainees and interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" (revised 3/10, form #1800-37A-523) from each supervisor upon application for examination eligibility.~~

~~(e)~~(b) A supervisor shall give at least one (1) week's prior written notice to a trainee or intern/associate of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required

supervision.

~~(d)(c)~~ The supervisor shall obtain from each trainee or intern/associate for whom supervision will be provided, the name, address, and telephone number of the trainee's or intern's/associate's most recent supervisor and employer.

~~(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where a trainee or intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in section 1833 and section 4980.43 of the Code.~~

(d) Effective January 1, 2020, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

- (1) ~~The supervisor's license information and status~~ The supervisor's qualifications to be a supervisor as specified in section 4980.03 of the Code.
- (2) The supervisor's telephone number and email address.
- (3) The date the licensee began supervising.
- ~~(4) The supervisor's qualifications to supervise.~~
- (4) The supervisor's compliance with the training required by section 1834.
- (5) ~~The supervisor's affirmation states that he or she understands all of the requirements set forth in sections 4980.03(g) and 4980.43.4(c) and (d) of the Code, and in sections 1833.1(a)(4), 1834 and 1835 following:~~
 - (A) The supervisor's license must meet the requirements in section 4980.03 of the Code, for a supervisee's experience hours to be credited.
 - (B) The supervisee notification requirement set forth in paragraph (a)(4) of this section.
 - (C) The requirements set forth in section 4980.43.5 of the Code pertaining to the maximum number of registrants.
 - (D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4980.43.6 of the Code.
 - (E) The requirement to complete a supervision agreement for each supervisee as specified in section 1833.

(e) New supervisors shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(f) Pre-existing supervisors, defined as individuals acting as a supervisor prior to January 1, 2020, shall submit a self-assessment report to the Board by December 31, 2020.

~~(f)~~(g) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

~~(g) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a) (6) (A).~~

NOTE: Authority cited: Sections 4980.35, 4980.40, 4980.60, and 4990.20 Business and Professions Code. Reference: Sections 4980.03, 4980.35, and 4980.42 through ~~4980.45~~4980.43.5, ~~4980.48~~, ~~4980.54~~, ~~4996.22~~, and ~~4999.76~~, Business and Professions Code.

§1833.1.5 SUBSTITUTE SUPERVISORS

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1833, and the supervisor shall sign the weekly log required by section 1833.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

- 1) A new supervisory plan is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.
- 2) The experience gained during that 30-day period may be verified by the regular supervisor.

(d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time as required by section 1833.

§1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

Experience gained outside of California ~~on or after January 1, 1991~~ must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred and possessed a current and active license which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction, for at least two (2) of the past five (5) years immediately prior to

acting as a supervisor, as either a psychologist, clinical social worker, licensed physician certified in psychiatry ~~as specified in Section 4980.40(f) of the code by the American Board of Psychiatry and Neurology~~, professional clinical counselor, ~~or~~ a marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license that allows the practitioner to independently provide clinical mental health services.

In a state or jurisdiction which does not license or certify marriage and family therapists or similarly titled marriage and family practitioners, experience may be obtained under the supervision of a person who at the time of supervision held a clinical membership in the American Association of Marriage and Family Therapists for at least two years and who maintained such membership throughout the period of supervision.

Note: Authority cited: Sections 4980.35, ~~4980.40(f) and~~ 4980.60, and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.72, and 4980.74~~4980.40(f), 4980.42-4980.45 and 4980.90~~, Business and Professions Code.

§1834. SUPERVISOR TRAINING AND COURSEWORK

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

- (a) Beginning January 1, 2019, supervisors who commence supervision for the first time in California shall obtain fifteen (15) contact hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in regulation. If taken from a continuing education provider specified as acceptable by the Board in regulation, training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.
- 1) The content of such training shall include, but not be limited to, current best practices and current standards regarding the following:
 - (A) Competencies necessary for new supervisors;
 - (B) Goal setting and evaluation;
 - (C) The supervisor-supervisee relationship;
 - (D) California law and ethics, including legal and ethical issues related to supervision;
 - (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
 - (F) Contextual variables, such as treatment modality, work settings, and use of technology;
 - (G) Supervision theories and literature; and

- (H) Documentation and record keeping of the supervisee's client files, as well as supervision.
- 2) If taken from a government agency or a continuing education provider, this course shall have been taken within 2 years prior to commencing supervision, or within 60 days after commencing supervision.
 - 3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within 4 years prior to commencing supervision, or completed within 60 days after commencing supervision.
- (b) A six (6) hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least 2 years within the 5 year period immediately preceding any supervision.
- (c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision in each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and shall be documented:
- 1) Training or coursework directly covering the topic of supervision, obtained from a government agency or from a continuing education provider specified as acceptable by the board in regulation. If taken from a continuing education provider specified as acceptable by the board in regulation, it may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code;
 - 2) Teaching a supervision course as specified in subparagraph (1).
 - 3) Authoring research ~~pertaining to~~ directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, newsletters, or other published work deemed equivalent by the board. It shall not include personal opinion papers, editorials, or blogs.
 - 4) ~~Receiving mentoring of supervision or supervision of supervision from another board licensee who also qualifies as a supervisor. Collaboration with another board licensee who also qualifies as a supervisor through use of mentoring or consultation.~~
 - 5) ~~Documented Attendance at supervisor peer discussion groups with other board licensees who also qualify as supervisors.~~
- (d) (1) In lieu of subparagraphs (a), (b), and (c), the Board shall accept a valid and

active approved supervisor certification from one of the following entities:

- (A) The American Association for Marriage and Family Therapy (AAMFT)
- (B) The American Board of Examiners in Clinical Social Work (ABECSW)
- (C) The California Association of Marriage and Family Therapists (CAMFT)
- (D) The Center for Credentialing and Education (CCE)

(2) These licensees shall maintain a current and active California license, but are not required to have been actively licensed for at least two of the past five years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct supervision of trainees or registrants for at least two of the past five years immediately preceding any supervision.

(3) The board may, in its sole discretion, accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of the above entities.

(e) The board shall not deny hours of experience gained towards licensure by any associate or trainee due to failure of his or her supervisor to complete the training, coursework, or continuing professional development requirements in this section.

NOTE: Authority cited: Sections 4980.35 and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.43.1 and 4980.35, Business and Professions Code.

§1835. DOCUMENTATION OF SUPERVISOR QUALIFICATIONS: AUDITS

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications. Supervisors shall maintain records of completion of the required supervisor qualifications specified in this article for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

NOTE: Authority cited: Section 4980.35 and 4990.20, Business and Professions Code. Reference: Sections 4980.03, 4980.43.1 and 4980.35, Business and Professions Code.

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ATTACHMENT B

Reference Sections – Current Law: BPC §4980.43, 16 CCR §§ 1833, 1833.1, 1833.2

§4980.43. PROFESSIONAL EXPERIENCE; INTERNS OR TRAINEES

(a) To qualify for licensure as specified in Section 4980.40, each applicant shall complete experience related to the practice of marriage and family therapy under a supervisor who meets the qualifications set forth in Section 4980.03. The experience shall comply with the following:

(1) A minimum of 3,000 hours of supervised experience completed during a period of at least 104 weeks.

(2) A maximum of 40 hours in any seven consecutive days.

(3) A minimum of 1,700 hours obtained after the qualifying master's or doctoral degree was awarded.

(4) A maximum of 1,300 hours obtained prior to the award date of the qualifying master's or doctoral degree.

(5) A maximum of 750 hours of counseling and direct supervisor contact prior to the award date of the qualifying master's or doctoral degree.

(6) No hours of experience may be gained prior to completing either 12 semester units or 18 quarter units of graduate instruction.

(7) No hours of experience may be gained more than six years prior to the date the application for examination eligibility was filed, except that up to 500 hours of clinical experience gained in the supervised practicum required by subdivision (c) of Section 4980.37 and subparagraph (B) of paragraph (1) of subdivision (d) of Section 4980.36 shall be exempt from this six-year requirement.

(8) A minimum of 1,750 hours of direct counseling with individuals, groups, couples, or families, that includes not less than 500 total hours of experience in diagnosing and treating couples, families, and children.

(9) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to marriage and family therapy that have been approved by the applicant's supervisor.

(10) It is anticipated and encouraged that hours of experience will include working with elders and dependent adults who have physical or mental limitations that restrict their ability to carry out normal activities or protect their rights.

This subdivision shall only apply to hours gained on and after January 1, 2010.

(b) An individual who submits an application for examination eligibility between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements that were in place on January 1, 2015.

(c) All applicants, trainees, and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of marriage and family therapy. Supervised experience shall be gained by an intern or trainee only as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by an intern or trainee as an independent contractor.

(1) If employed, an intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure.

(2) If volunteering, an intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure.

(d) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (9) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:

(1) A trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(2) An individual supervised after being granted a qualifying degree shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of client contact is gained in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours per week of face-to-face contact in a group.

(4) Direct supervisor contact shall occur within the same week as the hours claimed.

(5) Direct supervisor contact provided in a group shall be provided in a group of not more than eight supervisees and in segments lasting no less than one continuous hour.

(6) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

(7) All experience gained by a trainee shall be monitored by the supervisor as specified by regulation.

(8) The six hours of supervision that may be credited during any single week pursuant to paragraphs (1) and (2) shall apply to supervision hours gained on or after January 1, 2009.

(e) (1) A trainee may be credited with supervised experience completed in any setting that meets all of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the trainee's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

(C) Is not a private practice owned by a licensed marriage and family therapist, a licensed professional clinical counselor, a licensed psychologist, a licensed clinical social worker, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(2) Experience may be gained by the trainee solely as part of the position for which the trainee volunteers or is employed.

(f) (1) An intern may be credited with supervised experience completed in any setting that meets both of the following:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4980.02.

(2) An applicant shall not be employed or volunteer in a private practice, as defined in subparagraph (C) of paragraph (1) of subdivision (e), until registered as an intern.

(3) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration to interns.

(4) Except for periods of time during a supervisor's vacation or sick leave, an intern who is employed or volunteering in private practice shall be under the direct supervision of a licensee that has satisfied subdivision (g) of Section 4980.03. The supervising licensee shall either be employed by and practice at the same site as the intern's employer, or shall be an owner or shareholder of the private practice. Alternative supervision may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements of this section.

(5) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.

(g) Except as provided in subdivision (h), all persons shall register with the board as an intern to be credited for postdegree hours of supervised experience gained toward licensure.

(h) Postdegree hours of experience shall be credited toward licensure so long as the applicant applies for the intern registration within 90 days of the granting of the qualifying master's or doctoral degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.

(i) Trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

(j) Trainees, interns, and applicants shall only perform services at the place where their employers regularly conduct business, which may include performing services at other locations, so long as the services are performed under the direction and control of their employer and supervisor, and in compliance with the laws and regulations pertaining to supervision. For purposes of paragraph (3) of subdivision (a) of Section 2290.5, interns and trainees working under licensed supervision, consistent with subdivision (c), may provide services via telehealth within the scope authorized by this chapter and in accordance with any regulations governing the use of telehealth promulgated by the board. Trainees and interns shall have no proprietary interest in their employers' businesses and shall not lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of their employers.

(k) Trainees, interns, or applicants who provide volunteered services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those trainees, interns, or applicants for services rendered in any lawful work setting other than a private practice shall be considered employees and not independent contractors. The board may audit applicants who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(l) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

§1833. EXPERIENCE

(a) In order for experience to qualify under Section 4980.40 of the Code, it must meet the following criteria:

(1) It must have been gained in accordance with Sections 4980.42 through 4980.45 of the Code and the regulations contained in this article.

(2) Experience shall not be credited for more than forty (40) hours in any week.

(3) No more than five hundred (500) hours of experience will be credited for providing group therapy or group counseling.

(4) For any person who enrolls in a qualifying degree program on or after January 1, 1990, not less than five hundred (500) total hours of experience shall have been gained in diagnosing and treating couples, families, and children.

(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating

assessment, diagnosis, and treatment decisions of the intern or trainee; monitoring and evaluating the ability of the intern or trainee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of marriage and family therapy. Supervision shall include that amount of direct observation, or review of audio or video tapes of therapy, as deemed appropriate by the supervisor. Supervision shall be credited only upon the following conditions:

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.

(2) The applicant shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.

(3) Any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal or business relationship which undermines the authority or effectiveness of the supervisor shall not be credited toward the required hours of supervised experience.

(4) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern or trainee is consistent with the intern or trainee's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

(A) Is aware of the licensing requirements that must be met by the intern or trainee and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern or trainee.

(c) Professional enrichment activities may be credited toward the experience requirement as specified in this article and by Section 4980.43 of the Code.

(1) No more than two hundred fifty (250) hours of verified attendance, with the approval of the applicant's supervisor, at workshops, seminars, training sessions, or conferences directly related to marriage and family therapy will be credited.

(2) No more than one hundred (100) hours of psychotherapy, which will be triple counted, received as specified in Section 4980.43 of the Code, will be credited.

(d) Experience gained by interns and trainees shall be subject to the following conditions, as applicable:

(1) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.

(2) A trainee shall not perform services in a private practice.

(3) Interns and trainees may only perform services as employees or volunteers and not as independent contractors.

(e) Effective January 1, 1991, trainees and interns shall maintain a log of all hours of experience gained toward licensure. The log, form #1800 37A-524 (REV 1/11) and form #1800 37A-524a (REV 1/11) shall be signed by the supervisor on a weekly basis. An applicant shall retain all logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the log as it deems necessary to verify hours of experience.

NOTE: Authority cited: Section 4980.35 and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40, and 4980.42 through 4980.45, Business and Professions Code.

§1833.1. REQUIREMENTS FOR SUPERVISORS

Any person supervising a trainee or an intern (hereinafter "supervisor") within California shall comply with the requirements below.

(a) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Marriage and Family Therapist Trainee or Intern" (revised 3/10, form #1800 37A-523), hereby incorporated by reference, requiring that:

(1) The supervisor possesses and maintains a current valid California license as either a marriage and family therapist, licensed clinical social worker, licensed professional clinical counselor, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4980.03 (g) of the Code and has been so licensed in California for at least two years prior to commencing any supervision; or

(A) Provides supervision only to trainees at an academic institution that offers a qualifying degree program as specified in Section 4980.40 (a) of the Code; and

(B) Has been licensed in California as specified in Section 4980.03 (g) of the Code, and in any other state, for a total of at least two years prior to commencing any supervision.

(2) A supervisor who is not licensed as a marriage and family therapist, shall have sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.

(3) The supervisor keeps himself or herself informed of developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.

(4) The supervisor has and maintains a current license in good standing and will immediately

notify the trainee or intern of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects the supervisor's ability or right to supervise.

(5) The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, associate clinical social workers, or professional clinical counselor interns who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or interns.

(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of trainees and interns and the experience required for licensure as a marriage and family therapist.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the trainee or intern.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the trainee or intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the trainee or intern the manner in which emergencies will be handled.

(b) Each supervisor shall provide the trainee or intern with the original signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee"(revised 3/10, form #1800 37A-523) prior to the commencement of any counseling or supervision. Trainees and interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Marriage and Family Therapist Intern or Trainee" (revised 3/10, form #1800 37A-523) from each supervisor upon application for licensure.

(c) A supervisor shall give at least one (1) week's prior written notice to a trainee or intern of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(d) The supervisor shall obtain from each trainee or intern for whom supervision will be provided, the name, address, and telephone number of the trainee's or intern's most recent

supervisor and employer.

(e) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where a trainee or intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a marriage and family therapist; and (2) the experience is in compliance with the requirements set forth in section 1833 and section 4980.43 of the Code.

(f) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(g) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a) (6) (A).

NOTE: Authority cited: Sections 4980.40, 4980.60, and 4990.20 Business and Professions Code. Reference: Sections 4980.03, 4980.35, 4980.42 through 4980.45, 4980.48, 4980.54, 4996.22, and 4999.76, Business and Professions Code.

§1833.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

Experience gained outside of California on or after January 1, 1991 must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state in which the supervision occurred and possessed a current license which was not under suspension or probation. The supervisor was licensed or certified by that state, for at least two (2) years prior to acting as supervisor, as either a psychologist, clinical social worker, physician certified in psychiatry as specified in Section 4980.40(f) of the code, professional clinical counselor, or a marriage and family therapist or similarly titled marriage and family practitioner.

In a state which does not license or certify marriage and family therapists or similarly titled marriage and family practitioners, experience may be obtained under the supervision of a person who at the time of supervision held a clinical membership in the American Association of Marriage and Family Therapists for at least two years and who maintained such membership throughout the period of supervision.

Note: Authority cited: Sections 4980.35, 4980.40(f) and 4980.60, Business and Professions Code. Reference: Sections 4980.35, 4980.40(f), 4980.42-4980.45 and 4980.90, Business and Professions Code.

ATTACHMENT C



Board of Behavioral Sciences

1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830 TTY: (800) 326-2297 FAX: (916) 574-8626
www.bbs.ca.gov



DRAFT CLINICAL SUPERVISOR SELF-ASSESSMENT REPORT

A licensee supervising a Marriage and Family Therapist Trainee or Intern, Associate Clinical Social Worker, or Professional Clinical Counselor Intern, must complete and submit the original of this form to the Board within the time frame indicated below:

- *Individuals who began supervising prior to January 1, 2020:
Completed form due by December 31, 2020.*
- *Individuals who began supervising after January 1, 2020:
Completed form due within 60 days of commencing supervision.*

If you meet the requirements to be a supervisor and are a Board licensee, a note will be added to your licensing record that states you are a qualified supervisor (Licensed Psychologists and Psychiatrists - the Board is unable to add a note to your licensing record). One-time submission of this form covers all BBS professions and all types of BBS supervisees.

Type or print clearly in ink

1. Supervisor's Legal Name: Last		First	Middle
3. Business Telephone:		4. E-Mail Address:	
5. California License Type: <input type="checkbox"/> LCSW <input type="checkbox"/> LMFT <input type="checkbox"/> LPCC <input type="checkbox"/> Clinical Psychologist* <input type="checkbox"/> Physician Board-Certified in Psychiatry by the American Board of Psychiatry and Neurology*			
6. License Number:	7. Date Issued:	8. Expiration Date:	9. Date You Began Supervising:

10. Do you hold an equivalent license in another state? Yes No

If YES, provide the information below:

State	License Type	License Number	Date Issued	Status

11. LPCCs: Will you be supervising an MFT Trainee or MFT Intern; or, a Professional Counselor Intern or LPCC licensee gaining experience with couples or families? Yes No

Supervisor's Last Name	First	Middle
------------------------	-------	--------

12. If you marked **YES to question 11**, have you met all of the qualifications to assess and treat couples and families under your LPCC license per Business and Professions Code (BPC) section 4999.20 and Title 16, California Code of Regulations (16CCR) section 1820.7? Yes No

13. Have you been issued any of the following "approved supervisor" designations? Yes No

If YES, (1) Mark the box next to the type of certification held; (2) List the date issued and (3) SKIP questions 14, 15, 16 and 17 below.

- American Association for Marriage and Family Therapy (AAMFT): Date Issued: _____
- American Board of Examiners in Clinical Social Work (ABECSW): Date Issued: _____
- California Association of Marriage and Family Therapists (CAMFT): Date Issued: _____
- Center for Credentialing and Education (CCE): Date Issued: _____
- Other equivalent certification (*staff will review to determine equivalency*):
 Issued by: _____
 Date Issued: _____

14. Have you held an active license in California or any other state for at least two (2) of the past five (5) years immediately prior to commencing supervision as required by 16CCR section 1833.1? Yes No

15. EXPERIENCE: Have you practiced psychotherapy or provided direct clinical supervision of trainees, associates, or graduate level social work students who perform psychotherapy for at least two (2) of the past five (5) years immediately preceding supervision as required by 16CCR section 1833.1? Yes No

16. TRAINING COURSE: Did you complete the supervisor training course that was required at the time you began supervising as required by as required by 16CCR section 1834? Yes No
 N/A-I am a Psychologist or Psychiatrist
 Course Provider: _____ Date: _____

17. I understand that I must complete a minimum of six (6) hours of continuing professional development in supervision during each subsequent license renewal period while providing supervision as required by 16CCR section 1834. Initials: _____
 N/A-I am a Psychologist or Psychiatrist

Supervisor's Last Name	First	Middle
------------------------	-------	--------

18. I understand that if I do not renew my California license on time, any hours gained by my supervisees during the time my license is lapsed will NOT be counted toward licensure and my license may be subject to disciplinary action per 16CCR section 1833.1. Initials: _____

19. I understand that I must immediately notify my supervisees of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects my ability or right to supervise per 16CCR section 1833.1. Initials: _____

20. I understand that the Board has the right to audit records of any supervisor to verify completion of supervisor qualifications. I must maintain records for a period of seven (7) years after termination of supervision per BPC section 4980.43.6. Initials: _____

21. If I will be supervising in a private practice setting, I understand that I may not supervise or employ more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice as required by BPC section 4980.43.5. If I will be supervising in a MFT corporation, I understand the limitations set forth in BPC section 4980.43.5. Initials: _____

22. I understand that I am required to complete and sign a *Supervision Agreement* with each of my supervisees and provide the supervisee with the original document for submission with the supervisee's licensing application, per 16CCR section 1833. Initials: _____

I certify under penalty of perjury that all of the foregoing is true and correct. I understand that my license may be subject to disciplinary action should any conduct in my supervision violate the Board's statutes or regulations.

Signature of Applicant

Date

(Original submitted to BBS must be signed and initialed in ink)

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ATTACHMENT D



Board of Behavioral Sciences
1625 North Market Blvd., Suite S200, Sacramento, CA 95834
Telephone: (916) 574-7830 TTY: (800) 326-2297
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DRAFT SUPERVISION AGREEMENT

MARRIAGE AND FAMILY THERAPIST TRAINEE OR ASSOCIATE

A licensee who provides supervision to an individual gaining supervised experience toward a Marriage and Family Therapist (LMFT) license is required by law to complete and sign this agreement within 60 days of the commencement of any supervision. The supervisor must provide the associate or trainee with the original signed agreement. The associate or trainee shall include the original agreement with his or her application for licensure.

Note: This agreement does not contain an exhaustive list of all legal requirements. See the Board's [Statutes and Regulations](#) for more information.

Supervisee's Name: Last	First	Middle
Supervisee's Associate Registration Number or Social Security Number/ITIN*:		
Supervisor's Name: Last	First	Middle

PART I – TO BE COMPLETED BY SUPERVISOR

A. SUPERVISOR QUALIFICATIONS

SUPERVISOR'S LICENSE INFORMATION:			
License Type: <input type="checkbox"/> LCSW <input type="checkbox"/> LMFT <input type="checkbox"/> LPCC <input type="checkbox"/> Clinical Psychologist <input type="checkbox"/> Physician Board-Certified in Psychiatry by the American Board of Psychiatry and Neurology			
License Number:	Date Issued:	Expiration Date:	
If licensed for less than two (2) years in California, provide your equivalent out-of-state license information:			
State:	License Type:	License Number:	Date Issued:
LPCCs: Have you met all of the qualifications to assess and treat couples and families (required in order to supervise a MFT Trainee or Associate)? Yes <input type="checkbox"/> No <input type="checkbox"/>			

*You may provide either your Social Security Number, Federal Employer Identification Number, or Individual Taxpayer Identification Number, as applicable.

Supervisor's Name: Last	First	Middle
Associate/Trainee Name: Last	First	Middle

Have you been issued any of the following "approved supervisor" designations? Yes No

*If YES, • Mark the box next to the type of certification held; • List the date issued and
• SKIP questions 2, 3, 4 and 5 below.*

American Association for Marriage and Family Therapy (AAMFT): Date Issued: _____

American Board of Examiners in Clinical Social Work (ABECSW): Date Issued: _____

California Association of Marriage and Family Therapists (CAMFT): Date Issued: _____

Center for Credentialing and Education (CCE): Date Issued: _____

Other equivalent certification: Issued by: _____
Date Issued: _____

	Legal Reference**	Supervisor Initials
1. I shall maintain a current and active California license in good standing while supervising, and will immediately notify the supervisee of any disciplinary action taken against my license, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects my ability or right to supervise.	<i>BPC § 4980.03 (g) and 16 CCR § 1833.1(a)(4)</i>	
2. I have been actively licensed for at least two (2) of the past five (5) years immediately prior to commencing supervision.	<i>BPC § 4980.03 (g) and 16 CCR § 1833.1(a)(1)</i>	
3. I have either practiced psychotherapy or provided direct clinical supervision of qualifying supervisees who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding this supervision.	<i>16 CCR § 1833.1(a)(5)</i>	
4. I have completed the initial supervisor training that was required at the time I began supervising (or will complete it within 60 days of commencing supervision).***	<i>16 CCR § 1834</i>	
5. I have completed (or if not yet required, will complete) six (6) hours of continuing professional development (CPD) during each subsequent license renewal period while supervising.***	<i>16 CCR § 1834</i>	
6. I have had sufficient experience, training, and education in the area of clinical supervision to competently supervise trainees or associates.	<i>16 CCR § 1833.1(a)(6)</i>	

*** Supervisors licensed as a Psychologist or Physician are not required to comply with #4 and #5.

**16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code

Supervisor's Name: Last	First	Middle
Associate/Trainee Name: Last	First	Middle

	Legal Reference**	Supervisor Initials
7. I know and understand the laws and regulations pertaining to both the supervision of trainees and associates and the experience required for licensure as a marriage and family therapist.	16 CCR § 1833.1(a)(7)	
8. I have had sufficient experience, training, and education in marriage and family therapy to competently practice marriage and family therapy in California.	16 CCR § 1833.1(a)(2)	
9. I will keep myself informed about developments in marriage and family therapy and in California law governing the practice of marriage and family therapy.	16 CCR § 1833.1(a)(3)	
10. I shall be competent in the areas of clinical practice and techniques being supervised.	16 CCR § 1833.1(a)(3)	
11. I have not ever provided therapeutic services to the supervisee.	BPC § 4980.03(g)(4)	

B. EMPLOYMENT OF SUPERVISEE

	Legal Reference**	Supervisor Initials
12. I shall ensure that the supervisee is employed as a W-2 employee or a volunteer, and not as an independent contractor.	BPC § 4980.43.4(a)	
13. I shall not provide supervision unless the supervisee works in a setting that meets all of the following: <ul style="list-style-type: none"> • Lawfully and regularly provides mental health counseling or psychotherapy; • Provides oversight to ensure that the supervisee's work at the setting meets the experience and supervision requirements and is within the scope of practice for the profession; and • If the supervisee has not been issued an associate registration, the setting shall not be a private practice owned by a LMFT, LPCC, LCSW, licensed psychologist or physician, or a professional corporation of any of those licensed professions. 	BPC §§ 4980.02; 4980.43.4 (b),(c)	
14. I understand that my supervisee may not do any of the following: <ul style="list-style-type: none"> • Receive any remuneration from patients or clients; • Have a proprietary interest in the employers' business; or • Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of the supervisee's employer. 	BPC § 4980.43.4(e),(f)	

**16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code

Supervisor's Name: Last	First	Middle
Associate/Trainee Name: Last	First	Middle

	Legal Reference**	Supervisor Initials
15. I understand that my supervisee may only perform services at the place where his or her employer regularly conducts business and services, which may include performing services at other locations, as long as the services are performed under the direction and control of the employer and supervisor.	<i>BPC § 4980.43.5(a)</i>	
16. If the registered associate will be working in a private practice, I understand that I as the supervisor must either be (1) employed by and practice at the same site as the associate's employer, or (2) an owner or shareholder of the private practice.	<i>BPC § 4980.43.5(b)</i>	

C. OTHER AGREEMENTS

	Legal Reference**	Supervisor Initials
17. I shall ensure compliance with the laws and regulations governing the practice of marriage and family therapy.	<i>BPC § 4980.43.1(b)(5)</i>	
18. In order for my supervisee to see clients and earn postdegree experience, I understand that he or she must hold a current associate registration with the Board, unless otherwise specified in BPC section 4980.43.1(d).	<i>BPC § 4980.43.2(c) and (d)</i>	
19. I understand the requirements pertaining to direct supervisor contact set forth in BPC section 4980.43.2.	<i>BPC § 4980.43.3</i>	
20. I shall establish and communicate to the supervisee the procedures for contacting myself, or in my absence, an alternative on-call supervisor to assist in handling crises and emergencies.	<i>16 CCR § 1833.1(a)(11)</i>	
21. If I am not employed by the same employer as my supervisee, or if I serve as a voluntary supervisor, a written agreement shall be executed between myself and the organization as specified in 16CCR section 1833(a).	<i>BPC § 4980.43.5(e) and 16CCR § 1833(a)</i>	
22. When conducting group supervision, I shall ensure that the amount and degree of supervision is appropriate to each supervisee's needs.	<i>BPC § 4980.43.3(e)</i>	
23. I shall sign the supervisee's experience log on a weekly basis, and shall verify the supervisee's completed experience hours at the completion or termination of supervision.	<i>16 CCR § 1833(d) and (e)</i>	

**16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code

Supervisor's Name: Last	First	Middle
Associate/Trainee Name: Last	First	Middle

	Legal Reference**	Supervisor Initials
24. I shall give at least (1) one week's prior written notice to a supervisee of my intent not to sign for any further hours of experience for such person. If I have not provided such notice, I shall sign for hours of experience obtained in good faith where I actually provided the required supervision.	16 CCR § 1833.1(b)	
25. I shall obtain from the supervisee the name, address and telephone number of the supervisee's most recent supervisor and employer.	16 CCR § 1833.1(c)	
26. Upon written request of the Board, I shall provide to the board any documentation which verifies my compliance with all required supervisor qualifications.	BPC § 4980.43.6; 16 CCR §§ 1833.1(g); 1834	

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing; that I meet all criteria stated herein; and that the information submitted on this form is true and correct.

Supervisor's Signature _____ Date signed _____

**16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code

Supervisor's Name: Last	First	Middle
Associate/Trainee Name: Last	First	Middle

PART II - TO BE COMPLETED BY SUPERVISEE

All pages of the original, signed Supervision Agreement must be retained by the supervisee and submitted with your application for licensure. The Board strongly recommends that you read the Board's [Guide to Supervision](#) and discuss it with your supervisor.

SUPERVISEE'S CURRENT STATUS (as of the date this agreement is signed):

- Trainee Associate Applicant: Date applied: _____
 Registered Associate - IMF _____ Date Issued: _____ Expiration Date: _____

	Legal Reference**	Supervisee Initials
1. If I have graduated from my degree program, I understand that I must possess a current associate registration in good standing while experience is gained in order for my hours to count toward licensure . <i>(Exception: If you applied for associate registration within 90 days of graduation and are subsequently issued a registration, you may be credited for experience gained prior to the registration's issuance).</i>	BPC § 4980.43.2	
2. I understand that my supervisor must maintain a current and active California license in good standing while supervising, and that any hours gained during the time my supervisor's license is lapsed will not count toward licensure.	16 CCR § 1833.1(a)(4)	
3. I understand that I may not work in a private practice setting until my associate registration has been issued.	BPC §§ 4980.43.2(C) & 4980.43.4(b)	
4. I understand that my supervisor must sign my experience log on a weekly basis, and must also sign a verification of experience at the conclusion of supervision in order for my experience to count toward licensure.	16 CCR § 1833(d) and (e)	
5. I understand that I must be employed as either a W-2 employee or a volunteer, and not as an independent contractor.	BPC § 4980.43.4(a)	
6. I understand that all hours of experience, with the exception of 500 supervised practicum hours, must be completed within the six (6)-year period immediately preceding my application for licensure.	BPC § 4980.43(a)(7)	

**16CCR=Title 16, California Code of Regulations; BPC=Business and Professions Code

Supervisor's Name: Last	First	Middle
Associate/Trainee Name: Last	First	Middle

	Legal Reference**	Supervisee Initials
7. I understand that any experience obtained under the supervision of a spouse, relative, or domestic partner shall not be credited toward the required hours of supervised experience.	BPC § 4980.43.4(d)	
8. I understand that any experience obtained under the supervision of a supervisor with whom I have had, or currently have, a personal or business relationship which undermines the authority or effectiveness of the supervisor, shall not be credited toward the required hours of supervised experience.	BPC § 4980.43.4(d)	
9. I understand that I may not do any of the following: <ul style="list-style-type: none"> • Receive any remuneration from patients or clients; • Have a proprietary interest in my employers' business; or • Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of my employer. 	BPC § 4980.43.4(e), (f)	

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing; that I meet all criteria stated herein; and that the information submitted on this form is true and correct.

Associate/Trainee Signature

Date Signed

Supervisor's Name: Last	First	Middle
Associate/Trainee Name: Last	First	Middle

PART III – TO BE COMPLETED BY SUPERVISOR AND SUPERVISEE

SUPERVISORY PLAN

Within 60 days of commencing supervision, the supervisor and supervisee are required by Title 16, California Code of Regulations (CCR) section 1833(c)(6), to collaboratively develop a supervisory plan that describes the goals and objectives of supervision.

DESCRIBE THE GOALS AND OBJECTIVES OF SUPERVISION BELOW:

Supervisor's Name: Last	First	Middle
Associate/Trainee Name: Last	First	Middle

By signing below, I acknowledge that this Supervisory Plan was developed collaboratively with the supervisee. I also understand that I am required to do all of the following (per Business and Professions Code section 4980.43.1(b) and Title 16, CCR section 1833(b)(9),(10)):

- **Complete an assessment of the ongoing strengths and limitations of the supervisee at least once a year and at the completion or termination of supervision, and provide a copy to the supervisee.**
- **Ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the supervisee.**
- **Monitor and evaluate assessment, diagnosis, and treatment decisions of the supervisee and provide regular feedback.**
- **Monitor and evaluate the ability of the supervisee to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.**
- **Monitor for and attend to any countertransference, intrapsychic, or interpersonal issues that may affect the supervisory or the practitioner-patient relationship.**
- **Review progress notes, process notes, and other treatment records in an amount I deem appropriate.**
- **Directly observe therapy, or review audio or video recordings of therapy, in an amount I deem appropriate, with the client's written consent.**

Supervisor's Signature

Date Signed

By signing below, I acknowledge that this Supervisory Plan was developed collaboratively with my supervisor.

Associate/Trainee Signature

Date Signed

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To: Policy and Advocacy Committee Members **Date:** September 15, 2016
From: Rosanne Helms **Telephone:** (916) 574-7897
Legislative Analyst
Subject: LPCC Statute and Regulations: Proposed Supervision Amendments

The Board's Supervision Committee met 11 times beginning in April 2014, and ending in August 2016. The Committee's work initially resulted in the 2015 legislation which streamlined the experience categories required for licensure. This document represents the remainder of the Committee's work, and pertains mainly to qualifications of supervisors, supervisor responsibilities, types of supervision provided, and employment.

Some of the changes being proposed are significant, and are based on the results of a survey of supervisors and supervisees, a large amount of stakeholder feedback, and supervision standards in other states. When considering proposed changes, the Committee attempted to balance any potential barriers to providing supervision with the needs expressed by stakeholders, as well as the need for public protection.

Attachment A contains a draft of proposed amendments to licensed professional clinical counselor (LPCC) statute and regulations based on the discussions and decisions of the Committee.

The proposed language changes in Attachment A are color coded as follows:

- **Blue** strikeout/underline indicates text that has simply been moved from one location to another.
- **Red** or **Green** strikeout/underline indicates new language, which ranges from minor changes in wording to more significant changes.
 - Text shown in **Red** are amendments made by the Supervision Committee.
 - Text shown in **Green** are amendments made after the last Supervision Committee meeting, and include suggestions from DCA Legal.

To follow is a summary of the proposed amendments. Most of the amendments are the same across all three license types (LCSW, LMFT and LPCC). However, some are specific to the LPCC program. *Italicized text at the bottom of each item indicates whether the amendments are the same or if they differ by license type.* This should assist the Committee and stakeholders to perform a streamlined review of all three related agenda items.

1. **Revised Titles and Definitions of “Intern” and “Applicant”:** The titles and definitions of “Intern” and “Applicant” have been amended.

First, the “intern” title has been changed to “associate” to comply with the title change that becomes effective on January 1, 2018. The definition of “Associate” (formerly “Intern”) now includes either someone who is registered with the Board, or someone who applies for registration as an associate within 90 days of the degree award date.

The definition of “Applicant” was renamed “Applicant for licensure.” The definition was amended to mean an unlicensed person who has completed the required education and required hours of supervised experience for licensure.

Section Affected: BPC §4999.12(d) and (f); Change also proposed for LMFT.

2. **Approved Supervisors:** The “approved supervisor” title defined in Section 4999.12 has been amended to define “supervisor” only. This is for consistency with the Board’s other license types and to ensure that the definition applies to all instances where the “supervisor” term is used.

Section Affected: BPC §4999.12(h); Change for LPCC only.

3. **Supervisors Licensed for at Least Two Years:** Current law requires a supervisor to have been licensed in California for at least two years.

The amendments allow a licensee to supervise if he or she has been actively licensed in California or holds an equivalent license in any other state for at least two of the past five years immediately prior to commencing any supervision. The supervisor must have and maintain a current and active California license at all times while supervising.

Sections Affected: BPC §4999.12(h), 16 CCR §§1821 and 1821.1; Change also proposed for LCSW and LMFT.

4. **Experience Required of Supervisors:** In order to supervise a registrant, current regulations require a supervisor to have practiced psychotherapy or provided direct clinical supervision for 2 of the past 5 years.

However, the wording of this law is inconsistent across the Board's license types, and in some cases it is unclear if supervision of LPCC trainees or master's level social work students counts as qualifying supervisory experience. This amendment would clarify that supervision of LPCC trainees or social work students is acceptable as experience to qualify as a supervisor, and would make the language consistent for each of the Board's license types.

This language has also been added to statute for clarity.

Section Affected: BPC § 4999.12, 16 CCR §1821(b)(5); Change also proposed for LCSW and LMFT.

5. **LPCC Supervising an Associate or LPCC licensee Seeking Experience to Treat Couples and Families:** Language was added to clarify that in order for an LPCC to supervise either an associate MFT, an associate PCC, or an LPCC licensee seeking the required experience to treat couples and families, the supervisor must meet the additional training and education requirements specified by BPC section 4999.20.

Sections Affected: BPC §4999.12(h)(2), 16 CCR §1821(a)(12); Change is for LPCC only.

6. **Definition of Supervision:** The definition of "supervision" has been revised from previous meetings to include responsibility for, and control of, the quality of services being provided. The amendments also state that consultation or peer discussion is not supervision and does not qualify as supervised experience. These changes are consistent with what is already in LCSW law, and the changes are also being made to LMFT law.

The following additions have also been made to the definition of supervision:

- A statement about providing regular feedback to the associate or trainee;
- An amendment to require the supervisor to monitor for and address any countertransference, intrapsychic, and interpersonal issues that may affect the supervisory or the practitioner-patient relationship;
- An amendment stating that the supervisor should review progress notes, process notes, and other patient treatment records as he or she deems appropriate, and also an amendment stating the supervisor should engage in direct observation or review of audio or video recordings, with client written consent, as the supervisor deems appropriate.

Sections Affected: BPC §4999.12(m), 16 CCR §1821(b)(9); Change also proposed for LCSW and LMFT.

7. **Definition of “Clinical Setting” and “Community Mental Health Setting”:** The definitions of “clinical setting” and “community mental health setting” have been moved from regulations to statute, as staff believes placing them in statute with the other defined terms is more appropriate.

Stakeholders and Board licensing staff expressed interest in amending the definition of “community mental health setting” due to confusion about the term. The Supervision Committee directed staff to clarify that this setting shall not be a private practice, but to delete the language about ownership of the private practice because that language was causing confusion.

Sections Affected: BPC §4999.12(n) and (o), 16 CCR §1820; Change is for LPCC only.

8. **Split BPC Section 4999.46:** BPC Section 4999.46 has been divided into smaller sections, with each new section focused on a specific topic of supervision.

Sections Affected: BPC §§4999.46 – 4999.46.5; Change is for LPCC only.

9. **Prohibition on Independent Contracting - Gaining Experience vs. Performing Services:** Current LPCC statute states that PCC trainees, associates, and applicants may only perform services as an employee or a volunteer. It goes on to state that experience shall not be gained by associates or trainees as an independent contractor (BPC §4999.47(a)).

The Supervision Committee recommended clarifying the language to state that no trainees, associates, or applicants for licensure are allowed to perform services or gain experience within the defined scope of practice of the profession, as an independent contractor.

Section Affected: BPC §4999.46.3(a); Change also proposed for LCSW and LMFT, though some of this language is new for LCSW.

10. **Prohibition on Independent Contracting - Submission of 1099 Documentation:**

Applicants for licensure occasionally submit a “1099” tax form, which typically indicates the individual was an independent contractor. However, the applicant may truly have been a volunteer, but received reimbursement of expenses (such as travel) which resulted in the employer issuing a 1099 for the amount reimbursed.

Current law allows those who receive a maximum of \$500 per month as reimbursement of expenses, to be considered as an employee and not an independent contractor. Applicants must demonstrate that the payments were for reimbursement of expenses actually incurred. The Supervision Committee decided that the specific dollar amount should be removed from the law.

In addition, staff is increasingly aware of individuals who are awarded a stipend or educational loan repayment as an incentive for working in an underserved region, or from a program designed to encourage demographically underrepresented groups to enter the profession. An exception for stipends and loan repayments is also proposed to be added.

Section Affected: BPC §4999.46.3(g),(h); Change also proposed for LMFT and LCSW.

11. BPC Sections 4999.34, 4999.44, 4999.455, and 4999.47: Trainee and Associate

Requirements: BPC sections 4999.34, 4999.44, 4999.455, and 4999.47 have been moved to other newly proposed sections of law, in order to provide better flow in the placement of the law, and to provide more consistency with LMFT licensing law.

Section Affected: BPC §§4999.34, 4999.44, 4999.455, 4999.46.3, 4999.46.4; Change is for LPCC only.

12. Handling Crises and Emergencies: The American Counseling Association's Ethical Code requires supervisors to establish and communicate to supervisees procedures for contacting either the supervisor, or an alternate on-call supervisor, in a crisis. The Committee decided to adopt this requirement for all supervisors.

Section Affected: 16 CCR §1820(b)(11); Change also proposed for LCSW and LMFT.

13. Direct Supervisor Contact: Currently, trainees and associates must receive one hour of direct supervisor contact per week per work setting. Supervisees must obtain additional supervision once they perform a specified amount of client contact or face-to-face psychotherapy in each setting.

The amendment changes "client contact" and "face-to-face psychotherapy" to "direct clinical counseling" as the basis for which the amount of supervision is determined. References in sections 4999.46(a) and 4999.46.2 (a) and (b) have been amended to instead reference "direct clinical counseling" for consistency.

Section Affected: BPC §§ 4999.46(a), 4999.46.2(a), (b)(1); Change also proposed for LCSW and LMFT.

14. Amount of Direct Supervisor Contact Required for Applicants Finished Gaining

Experience Hours: Currently, the statute does not specifically define how much direct supervisor contact an associate MFT or Associate PCC needs once he or she is finished gaining experience hours needed to count toward licensure. (An associate gaining experience hours must obtain at least one hour of direct supervisor contact in each week, plus one additional hour in that week if more than 10 hours of direct client contact is gained, in order for the hours to count.)

At a previous meeting, the Committee recommended that the amount of supervision should be specified even if experience hours are no longer being counted. This amendment specifies that these associates and applicants for licensure must obtain at least one hour of supervision per week for each setting in which direct clinical counseling is performed. Supervision for nonclinical practice would be at the supervisor's discretion.

Section Affected: BPC §4999.46.2(i); Change also proposed for LCSW and LMFT.

- 15. Definition of “One Hour of Direct Supervisor Contact”; Triadic Supervision:** These revisions provide a specific definition of “one hour of direct supervisor contact.” Triadic supervision (one supervisor meeting with two supervisees) is now included in this definition.

Section Affected: BPC §4999.46.2(c); Change also proposed for LCSW and LMFT.

- 16. Amount of Individual Supervision:** Current regulations require 52 of the 104 supervised weeks to have included one hour per week of individual supervision.

Staff believes this requirement is significant and it is more appropriately stated in statute rather than regulations. The requirement has also been amended to allow this 52 weeks of supervision to either be individual or triadic.

Section Affected: BPC §44999.46.2(e); Change also proposed for LCSW and LMFT.

- 17. Supervision in a Group:** Current statute allows group supervision to consist of up to 8 supervisees. An amendment states that the supervisor must ensure that the amount of supervision is appropriate to each supervisee's needs.

Section Affected: BPC §4999.46.2(f); Change also proposed for LCSW and LMFT.

- 18. Supervision via Videoconferencing and HIPAA Compliance:** Current statute contains language allowing an associate working in an exempt setting to obtain supervision via videoconferencing. The Committee asked to add a statement requiring the videoconferencing be HIPAA compliant.

In the past, the Board has expressed a preference to refrain from mentioning HIPAA directly in statute, as its name could possibly change over time. Therefore, staff has added a statement that “*The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information.*”

Section Affected: BPC §4999.46.2(g); Change also proposed for LCSW and LMFT.

19. Professional Clinical Counselor Corporations: Current statute limits the number of registrants a professional clinical counselor corporation may employ. However, the use of the word “employ” is intended to include both employees and volunteers. Since volunteers are not actually employed, the language has been revised to more accurately account for this.

Additionally, the language regarding limits on number of registrants working for professional clinical counselor corporations has been separated into subsections for clarity purposes.

Section Affected: BPC §4980.43.4; Change also proposed for LCSW and LMFT.

20. Supervision in a Non-Private Practice Setting – Written Agreement: Currently, a supervisor only needs to sign a written agreement with the supervisee’s employer if the supervisor is a volunteer (volunteer supervisors are not allowed in private practice). The purpose of the agreement is to document that the employer agrees to provide the supervisor with access to records and will not interfere with the supervisor’s legal and ethical responsibilities.

An amendment was made to require a written agreement when the setting is a non-private practice and the supervisor is not employed by the supervisee’s employer or is a volunteer.

Proposed amendments would require the written agreement to contain an acknowledgement by the employer that the employer is aware the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

Sections Affected: BPC §4999.46.4(e), 16 CCR §1820(a) Change also proposed for LPCC and LCSW (though current LCSW law differs).

21. Associates Incurring Business Expenses: Current statute prohibits associates from having any proprietary interest in their employer’s business. Additional language has been added stating that an associate shall not lease or rent space, or pay for furnishings, equipment, supplies or other expenses that are the obligation of their employers. This language is consistent with language already in LCSW and LMFT statute.

Section Affected: BPC §4999.46.3(f); Change is for LPCC only.

22. Unprofessional Conduct: This section currently states that the following two items are unprofessional conduct:

4999.90(r) Any conduct in the supervision of a registered intern, associate clinical social worker, or clinical counselor trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.

4999.90 (u) The violation of any statute or regulation of the standards of the profession, and the nature services being rendered, governing the gaining and supervision of experience required by this chapter.

Staff believes these two sections are duplicative, and that subsection 4999.90(r) is unnecessary. Subsection 4999.90(u) already gives the Board the authority to take disciplinary action on, or to issue a cite and fine to, a licensee or registrant who violates any of the supervision provisions in statute and regulation. Therefore, this proposal deletes subsection 4999.90(r).

In addition, unprofessional conduct language related to discipline is inconsistent between LMFT, LCSW, and LPCC statute. For consistency, the language in 4999.90(t) and (u) are being amended to be more consistent with the language for the other license types.

Section Affected: BPC §4999.90; Some changes are for LPCC only.

23. Delete Duplicative and Obsolete Language in Regulations; Move Language to Statute: Several provisions in regulation sections 1820 and 1821 are either already in statute, or are outdated. Other subsections were moved to statute, if staff believed that location was more appropriate. The remaining provisions of section 1820 discuss specific forms that supervisors or supervisees are required to complete.

Section Affected: 16 CCR §§1820, 1821; Changes for LPCC only.

24. Experience Gained Outside of California: A section has been added to regulations discussing required criteria for supervision gained outside of California. This new section is similar to a section that already exists in LMFT regulations.

Section Affected: 16 CCR §1821.1; Change is specific to LPCC only.

25. Substitute Supervisors: It is sometimes necessary for supervisees to temporarily have a substitute supervisor. This situation may happen with or without warning. The Supervision Committee has recommended language that would clarify the specific requirements and necessary documentation for a temporary substitute supervisor, based on how long the substitute will be filling in.

Section Added: 16 CCR §1821.1; Change also proposed for LCSW and LMFT.

26. Required Training and Coursework for Supervisors: This section requires supervisors commencing supervision for the first time in California, as of January 1, 2019, to complete a 15 hour supervision course covering specified topic areas. This is consistent with a similar requirement already in place for LCSW supervisors. Age limits for the course are specified, and the course can be counted as continuing education if taken from an accepted provider. Any supervisor who has not supervised in 2 of the last 5 years, must re-take a 6 hour course.

This new section also specifies that supervisors must complete 6 hours of continuing professional development in each renewal period while supervising. This can consist of a supervision course, or other professional development activities such as teaching, research, or supervision mentoring. All of these activities must be documented.

Due to concerns from DCA Legal since the final Supervision Committee meeting, the option to count research published professionally toward the continuing professional development requirement was clarified. The language now states the following: *“This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, newsletters, or other published work deemed equivalent by the board. It shall not include personal opinion papers, editorials, or blogs.”*

Staff also worked with legal counsel to clarify the option of receiving mentoring from another supervisor, or “supervision of supervision” as continuing professional development. That language now reads as follows: *“Collaboration with another board licensee who also qualifies as a supervisor through use of mentoring or consultation.”*

The Committee may wish to discuss these new amendments further.

An exception to the initial and ongoing training requirements is proposed for a supervisor who holds a supervision certification from one of four specified entities. The Board also has discretion to accept certification from another entity if it believes its requirements are equivalent or greater. Such a certification exempts the supervisor from the 15 hour coursework and 6 hour professional development requirements, and it allows them to waive the requirement that they must have been licensed and either supervising or practicing psychotherapy for two of the past five years prior to commencing any supervision.

The proposed language is specifically worded so that it only applies to supervisors who are also Board licensees. Supervisors who are licensed psychologists or psychiatrists would not need to complete the supervision training and coursework, consistent with current law.

Section Added: 16 CCR §1821.2; Change also proposed for LCSW and LMFT.

27. Annual Assessment: LCSW regulations require a supervisor to complete an annual assessment of the strengths and limitations of the registrant and to provide the registrant with a copy. The Committee decided to require this for supervisors of associate MFTs, associate PCCs, and trainees.

Section Affected: 16 CCR §1821(b)(10) Change also proposed for LMFT (LCSW law already requires).

28. Supervisory Plan: LCSW and LPCC regulations require the supervisor and the supervisee to develop a “supervisory plan” that describes goal and objectives of supervision. The registrant is required to submit the signed plan when applying for licensure. The Committee has requested language requiring that the supervisor and supervisee collaborate to develop the goals and objectives. This form will be merged with the Supervision Agreement as discussed in item #29 below.

Section Affected: CCR §1820(c); Change also proposed for LCSW and LMFT.

29. Supervision Agreement Form: Currently, all supervisors must sign a “Supervisor Responsibility Statement” whereby the supervisor signs under penalty of perjury that he or she meets the requirements to become a supervisor, and understands his or her specific responsibilities as set forth in law.

The Committee has proposed that a “Supervision Agreement” would replace both the “Supervisor Responsibility Statement” and the “Supervisory Plan” forms. The “Supervision Agreement” would be completed by both the supervisor and supervisee, and signed under penalty of perjury. It would include information about the supervisor’s qualifications, an acknowledgement of supervisor and supervisee responsibilities, and a collaboratively developed supervisory plan. The original would be retained by the supervisee and submitted to the Board upon application for licensure.

Sections Affected: 16 CCR §§1820(b),(c), 1821(d),(e); Change also proposed for LCSW and LMFT.

30. Weekly Log: The “Weekly Log” form is for the purpose of tracking completed supervised experience. The form is currently incorporated by reference into the actual regulation, which means that a regulation change process is necessary in order to change the text of the form. To avoid this hurdle, staff has proposed language that would instead specify the required content of the weekly log, rather than including the actual form in the regulation.

Section Affected: 16 CCR §1820(d); Change also proposed for LMFT (weekly log will be newly required for LCSW).

31. Experience Verification: Staff became aware that current regulations do not explicitly specify that supervisors must sign off on experience hours at the completion of supervision. The proposed regulations now clarify this requirement.

Section Affected: 16 CCR §1820(e); Change also proposed for LCSW and LMFT.

32. Supervisor Registration: The committee has proposed requiring all supervisors to register with the Board. Currently, the Board has no record of the licensees who are supervising associates until an applicant for licensure submits verification of supervised experience. The verifications are retained in applicant files.

Some of the benefits to registering supervisors are:

- Supervisees will have more assurance that his or her supervisor meets all requirements.
- Supervisors will have more awareness of (and better adherence to) requirements, which better protects the supervisee.
- Supervisors will be searchable online through Breeze.
- The Board will have the ability to target communications directly to supervisors.

The Committee attempted to create a framework that increases accountability without creating a significant impact on current or future supervisors.

The supervisor's registration with the Board would be initiated by submission of a "Supervisor Self-Assessment Report," signed under penalty of perjury. This report will provide the Board with the supervisor's specific qualifications, and will require the supervisor to acknowledge certain responsibilities set forth in law. For BBS licensees who qualify as a supervisor, a "supervisor" status will be added to the licensee's Breeze record.

Implementation of this framework would create a significant new workload that cannot be absorbed by existing staff. In addition, there would be a fiscal impact to the Board for new positions and Breeze changes.

The effective date of this requirement would be delayed to January 1, 2020 to allow time for the Breeze system to be modified so that supervisors who are BBS licensees will be searchable. New supervisors would be required to submit the "Supervisor Self-Assessment Report" within 60 days of commencing any supervision. The deadline date for existing supervisors (those supervising prior to January 1, 2020) is proposed to be December 31, 2020.

This extended deadline for existing supervisors is necessary so that the workload for this new program is manageable. The California Association of Marriage and Family Therapist's 2015 demographic survey indicates that about 30% of licensees are also

clinical supervisors (a comparable survey for California LPCC licensees could not be located). The Board currently has nearly 65,000 licensees with an active, inactive or expired license. Staff is waiting on the breakdown of this number by license status, which will be provided at the meeting. Regardless of the breakdown, it is clear that thousands of applications will be submitted.

Sections Affected: 16 CCR §§ 1820(b), 1821(d),(e); Change also proposed for LCSW and LMFT.

33. Timelines for Supervisors: The proposed regulations establish timelines to complete specified activities as follows:

- The “Supervisor Self-Assessment Report” must be completed within 60 days of a new supervisor commencing any supervision. The effective date would be January 1, 2020. For existing supervisors, the report must be submitted by December 31, 2020.
- The “Supervision Agreement” must be completed within 60 days of commencing supervision with any individual supervisee.
- The 15 hour supervision training course must be completed by new supervisors within 2 years prior to commencing supervision (within 4 years if taken from a graduate program at an accredited or approved school), or within 60 days after commencing supervision.

The Committee should discuss whether it believes these timelines are appropriate.

Sections Affected: 16 CCR §§ 1820(b),(c), 1821(d),(e), 1821.2(a); Change also proposed for LCSW and LMFT.

34. Audits of Supervisors: A section has been added to allow the Board to audit a supervisor’s records to verify they meet the supervisor qualifications specified in regulations and regulations. It requires supervisors to maintain records of completion of the required supervisor qualifications for seven years after the completion of supervision, (consistent with statute regarding record retention) and to make these records available to the Board for an audit upon request.

The Board would likely audit a supervisor during a continuing education audit or if a complaint was received. The “Supervisor Self-Assessment Report,” would be used in such audits.

Section Added: BPC §4999.46.5; Change also proposed for LCSW and LMFT.

ATTACHMENTS:

Attachment A: Proposed LPCC Supervision Language

Attachment B: Reference Sections – Current Law: BPC §§4999.12, 4999.46, 16 CCR §§ 1820-1822

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ATTACHMENT A

PROPOSED LPCC SUPERVISION LANGUAGE

- **Blue** strikeout/underline indicates text that has simply been moved from one location to another.
- **Red** or **Green** strikeout/underline indicates new language, which ranges from minor changes in wording to more significant changes.
 - Text shown in **Red** are amendments made by the Supervision Committee.
 - Text shown in **Green** are amendments made after the last Supervision Committee meeting, and include suggestions from DCA Legal.

§4999.12. DEFINITIONS

For purposes of this chapter, the following terms have the following meanings:

(a) “Board” means the Board of Behavioral Sciences.

(b) “Accredited” means a school, college, or university accredited by a regional or national institutional accrediting agency that is recognized by the United States Department of Education.

(c) “Approved” means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant’s graduation from the school, college, or university.

(d) “Applicant for licensure” means an unlicensed person ~~who has completed a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, and whose application for registration as an intern is pending or who has applied for examination eligibility, or an unlicensed person~~ who has completed the required education and required hours of supervised experience requirements for licensure as specified in this chapter ~~and is no longer registered with the board as an intern.~~

(e) “Licensed professional clinical counselor” or “LPCC” means a person licensed under this chapter to practice professional clinical counseling, as defined in Section 4999.20.

(f) “Intern” “Associate” means an unlicensed person who meets the requirements of Section 4999.42 and ~~is registered with the board.~~ meets one of the following definitions, unless otherwise specified:

- 1) The individual is registered with the board as an associate.
- 2) The individual’s degree was awarded and he or she applies for registration as an associate within 90 days of the degree award date.

(g) “Clinical counselor trainee” means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.

(h) “~~Approved supervisor~~Supervisor” means an individual who meets the following requirements:

(1) Has ~~documented two years of clinical experience~~ been actively licensed in California or has held an active equivalent license in any other state as a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, or licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, for at least two of the past five years immediately prior to commencing any supervision.

(2) Meets the additional training and education requirements specified in paragraph (3) of subdivision (a) of section 4999.20, if the supervisor is a licensed professional clinical counselor who is supervising an associate marriage and family therapist or a marriage and family therapist trainee; or is supervising an associate professional clinical counselor or licensee seeking experience to treat couples and families in compliance with section 4999.20(a)(3)(B) of the code.

(3) Has practiced psychotherapy or provided direct clinical supervision of MFT trainees, associate MFTs, associate PCCs, or associate clinical social workers, who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master’s or doctoral program, or LPCC trainees, who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.

~~(24)~~ Has received professional training in supervision, as specified in this chapter and by regulation.

~~(35)~~ Has not provided therapeutic services to the ~~clinical counselor trainee or intern~~supervisee.

~~(46)~~ Has and maintains a current and ~~valid~~active California license that is not under suspension or probation.

(7) Complies with supervision requirements established by this chapter and by board regulations.

(i) “Client centered advocacy” includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

(j) "Advertising" or "advertise" includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

(k) "Referral" means evaluating and identifying the needs of a client to determine whether it is advisable to refer the client to other specialists, informing the client of that judgment, and communicating that determination as requested or deemed appropriate to referral sources.

(l) "Research" means a systematic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

(m) "Supervision" means responsibility for, and control of, the quality of services being provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, the following:

(1) Ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised.

(2) ~~Reviewing client or patient records, m~~Monitoring and evaluating assessment, diagnosis, and treatment decisions of the ~~clinical counselor trainees~~supervisee and providing regular feedback.

(3) Monitoring and evaluating the supervisee's ability ~~of the intern or clinical counselor trainee~~ to provide services to the particular clientele at the site or sites where he or she will be practicing.

(4) Monitoring for and addressing any countertransference, intrapsychic, or interpersonal issues that may affect the supervisory or the practitioner-patient relationship.

(45) Ensuring the supervisee's compliance with laws and regulations governing the practice of licensed professional clinical counseling.

~~(56)~~ Reviewing the supervisee's progress notes, process notes, and other patient treatment records, as deemed appropriate by the supervisor.

~~(7) That amount of~~ With the client's written consent, providing direct observation, or review of audio or video ~~tapes-recordings~~ of the supervisee's counseling or therapy, as

deemed appropriate by the supervisor.

(n) The term “clinical setting,” as used in this ~~article~~chapter means any setting that meets all the following requirements:

(1) Lawfully and regularly provides mental health counseling or psychotherapy; and,

(2) Provides oversight to ensure that the ~~associate’s or trainee’s~~ work at the setting meets the experience and supervision requirements set forth in ~~Chapter 16 (Commencing with Section 4999.10) of Division 2 of the Business and Professions Code~~ ~~this chapter and in regulation~~, and is within the scope of practice of the profession as specified therein.

(o) The term “community mental health setting,” as used in Section 4999.46 of the Code, means a clinical setting that meets all of the following requirements:

(1) Lawfully and regularly provides mental health counseling or psychotherapy;

(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;

(3) Clients receive coordinated care that includes the collaboration of mental health providers; and,

(4) Is not a private practice. ~~owned by a licensed professional clinical counselor, licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician or surgeon, a professional corporation of any of these licensed professions or a corporation of unlicensed individuals.~~

~~§4999.34. PRACTICUM AND FIELD EXPERIENCE; SETTING REQUIREMENTS; TRAINEE~~

~~A clinical counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:~~

~~(a) Lawfully and regularly provides mental health counseling and psychotherapy.~~

~~(b) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.~~

~~(c) Is not a private practice.~~

~~(d) Experience may be gained by the clinical counselor trainee solely as part of the position for which the clinical counselor trainee volunteers or is employed.~~

§4999.36. TRAINEE ACTIVITIES AND SERVICES; APPLICANT AND SCHOOL RESPONSIBILITIES

(a) A clinical counselor trainee may perform activities and services provided that the activities and services constitute part of the clinical counselor trainee's supervised course of study and that the person is designated by the title "clinical counselor trainee."

(b) All practicum and field study hours gained as a clinical counselor trainee shall be coordinated between the school and the site where hours are being accrued. The school shall approve each site and shall have a written agreement with each site that details each party's responsibilities, including the methods by which supervision shall be provided. The agreement shall provide for regular progress reports and evaluations of the student's performance at the site.

(c) If an applicant has gained practicum and field study hours while enrolled in an institution other than the one that confers the qualifying degree, it shall be the applicant's responsibility to provide to the board satisfactory evidence that those practicum and field study hours were gained in compliance with this section.

(d) A clinical counselor trainee shall inform each client or patient, prior to performing any professional services, that he or she is unlicensed and under supervision.

(e) No hours earned while a clinical counselor trainee may count toward the 3,000 hours of required postdegree internship hours supervised experience.

~~(f) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact for every five hours of client contact in each setting. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.~~

§4999.44. PROFESSIONAL EXPERIENCE; SETTING REQUIREMENTS; REGISTERED INTERN

~~An intern may be credited with supervised experience completed in any setting that meets all of the following requirements:~~

~~(a) Lawfully and regularly provides mental health counseling or psychotherapy.~~

~~(b) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as specified in Article 2 (commencing with Section 4999.20).~~

~~(c) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed.~~

~~(d) An intern shall not be employed or volunteer in a private practice until registered as an intern.~~

~~§4999.45. INTERN EMPLOYMENT; DUTIES, RESPONSIBILITIES AND LIMITATIONS; EFFECTIVE JANUARY 1, 2016~~

~~(a) An intern employed under this chapter shall:~~

~~(1) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an intern.~~

~~(2) Not be employed or volunteer in a private practice until registered as an intern.~~

~~(3) Inform each client prior to performing any professional services that he or she is unlicensed and under supervision.~~

~~(4) Renew annually for a maximum of five years after initial registration with the board.~~

~~(b) When no further renewals are possible, an applicant may apply for and obtain a subsequent intern registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent intern registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant issued a subsequent intern registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.~~

~~(c) This section shall become operative on January 1, 2016.~~

~~§4999.455. EMPLOYMENT OR SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS~~

~~(a) A licensed professional in private practice who has satisfied the requirements of subdivision (h) of Section 4999.12 may supervise or employ, at any one time, no more than a total of three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.~~

~~(b) A professional clinical counselor corporation may employ, at any one time, no more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (h) of Section 4999.12. In no event shall any professional clinical counselor corporation employ, at any one time, more than 15 individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than three individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the professional clinical counselor corporation and shall be actively engaged in performing professional services at and for the professional clinical counselor corporation.~~

~~Employment and supervision within a professional clinical counselor corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.~~

§4999.46. SUPERVISED EXPERIENCE REQUIREMENTS; QUALIFICATION FOR LICENSURE; EFFECTIVE JANUARY 1, 2016

(a) To qualify for licensure as specified in Section 4999.50, applicants shall complete experience related to the practice of professional clinical counseling under **an approved a** supervisor. The experience shall comply with the following:

(1) A minimum of 3,000 postdegree hours of supervised experience performed over a period of not less than two years (104 weeks).

(2) Not more than 40 hours in any seven consecutive days.

(3) Not less than 1,750 hours of direct **clinical** counseling with individuals, groups, couples, or families in a setting described in Section ~~4999.44~~**4999.46.3** using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.

(4) Not less than 150 hours of clinical experience in a hospital or community mental health setting, as defined in Section ~~4999.12~~ **1820 of Title 16 of the California Code of Regulations**.

(5) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to professional clinical counseling that have been approved by the applicant's supervisor.

(b) An individual who submits an application for ~~examination eligibility~~**licensure** between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements **of this section** that were in place on January 1, 2015.

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for ~~examination eligibility~~**licensure** was filed.

~~(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.~~

~~(e) All applicants and interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional clinical counseling.~~

~~(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.~~

~~(g) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (5) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.~~

~~(1) No more than six hours of supervision, whether individual or group, shall be credited during any single week. This paragraph shall apply to supervision hours gained on or after January 1, 2009.~~

~~(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face to face psychotherapy is performed in each setting in which experience is gained.~~

~~(3) For purposes of this section, "one hour of direct supervisor contact" means one hour of face to face contact on an individual basis or two hours of face to face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.~~

~~(4) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable, may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.~~

~~(h) This section shall become operative on January 1, 2016.~~

§4999.46.1 REGISTRATION AS AN ASSOCIATE

(a) All applicants for licensure and registrants**associates** shall be at all times under the supervision of a supervisor as specified in this chapter and by regulation.

(b) Except as provided in subdivision (c), all persons shall have an active **associate** registration with the board in order to gain postdegree hours of supervised experience.

(c) Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for registration **as an associate** within 90 days of the granting of the qualifying degree and is thereafter granted registration **as an associate** by the board. An applicant shall not be employed or volunteer in a private practice until an **associate registration has been issued by the board.**

(d) An **associate** employed under this chapter shall:

(1) Not perform any duties, except for those services provided as a clinical counselor trainee, until registered as an **associate**.

(2) Not be employed or volunteer in a private practice until registered as an **associate**.

(3) Inform each client prior to performing any professional services that he or she is unlicensed and under supervision.

(4) Renew annually for a maximum of five years after initial registration with the board.

(e) When no further renewals are possible, an applicant may apply for and obtain a subsequent **associate** registration number if the applicant meets the educational requirements for registration in effect at the time of the application for a subsequent **associate** registration number and has passed the California law and ethics examination described in Section 4999.53. An applicant issued a subsequent **associate** registration number pursuant to this subdivision shall not be employed or volunteer in a private practice.

§4999.46.2 DIRECT SUPERVISOR CONTACT

(a) A clinical counselor trainee shall receive an average of at least one hour of direct supervisor contact **in each week** for every five hours of ~~client contact~~ direct clinical counseling that is performed in each setting.

(b) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (5) of subdivision (a) of section 4999.46, supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting, as specified:

(1) An **associate gaining experience** shall receive at least one additional hour of direct supervisor contact ~~for~~in every week in which more than 10 hours of ~~face-to-face psychotherapy~~ direct clinical counseling is performed in each setting. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(c) "One hour of direct supervisor contact" means any of the following:

(1) Individual supervision, defined as one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, defined as one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, defined as two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour.

(d) Direct supervisor contact shall occur within the same week as the hours claimed.

(e) An applicant for licensure shall have received at least one (1) hour per week of direct supervisor contact that is individual and/or triadic, as specified in subdivisions (1) or (2) of subsection (c), for a minimum of 52 weeks.

(f) When conducting group supervision, the supervisor shall ensure that the amount and degree of supervision is appropriate to each supervisee's needs.

(g) Notwithstanding subsection (c), an associate working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable, may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld compliance with state and federal laws relating to confidentiality of patient health information.

(h) The six hours of supervision that may be credited during any single week pursuant to paragraph (2) of subdivision (a) shall apply to supervision hours gained on or after January 1, 2009.

(i) Notwithstanding any other provision of law, once the required number of experience hours are gained, associates and applicants for licensure who have finished gaining experience hours shall receive a minimum of one hour of direct supervisor contact per week for each setting in which direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision for nonclinical practice as defined in section 4999.46(a)(5) is at the supervisor's discretion.

§4999.46.3 SUPERVISION: ACCEPTABLE SETTINGS: ACCEPTABLE SUPERVISION PRACTICES

(a) Clinical counselor trainees, interns, and applicants for licensure shall perform services only as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of clinical mental health experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor. Clinical counselor trainees, associates, and applicants for licensure shall only perform services as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. No clinical counselor trainee, associate, or applicant for licensure shall perform any services or gain any experience within the scope of practice of the profession, as defined in Section 4999.20, as an independent contractor.

(1) If employed, an clinical counselor associate shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure. as a professional clinical counselor.

(2) If volunteering, an ~~clinical counselor associate~~ shall provide the board with a letter from his or her employer verifying the ~~associate's status~~ as a volunteer during the dates the experience was gained. The letter shall be provided to the board upon application for licensure. ~~as a professional clinical counselor.~~

(b) (1) ~~A clinical counselor trainee shall not perform services in a private practice.~~ A clinical counselor trainee may be credited with predegree supervised practicum and field study experience completed in a setting that meets all of the following requirements:

(A) Lawfully and regularly provides mental health counseling and psychotherapy.

(B) Provides oversight to ensure that the clinical counselor trainee's work at the setting meets the practicum and field study experience and requirements set forth in this chapter and is within the scope of practice for licensed professional clinical counselors.

~~(C) Is not a private practice.~~

~~(2) Experience may be gained by the clinical counselor trainee solely as part of the position for which the clinical counselor trainee volunteers or is employed. Only experience gained in the position for which the clinical counselor trainee either volunteers or is employed shall qualify as supervised experience.~~

(c) (1) An ~~associate~~ may be credited with supervised experience completed in any setting that meets both of the following requirements:

(A) Lawfully and regularly provides mental health counseling or psychotherapy.

(B) Provides oversight to ensure that the ~~associate's~~ work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as specified in Article 2 (commencing with Section 4999.20).

(2) While an ~~associate~~ may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.

~~(3) Experience may be gained by the intern solely as part of the position for which the intern volunteers or is employed. Only experience gained in the position for which the associate either volunteers or is employed shall qualify as supervised experience.~~

~~(4) An applicant for registration as an associate shall not be employed or volunteer in a private practice until an associate registration has been issued by the board.~~

(d) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience.

Experience obtained under the supervision of a supervisor with whom the applicant has had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(e) Clinical counselor trainees, associates, and applicants for licensure shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

(f) Clinical counselor trainees, associates, and applicants for licensure shall have no proprietary interest in the employer's business and shall not lease or rent space, pay for furnishings, equipment or supplies, or in any other way pay for the obligations of their employers.

(g) Clinical counselor trainees, associates, and applicants for licensure who provide volunteered voluntary services in any lawful work setting other than a private practice, or other services, and who only receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those the clinical counselor trainees, interns associate, and applicants for licensure for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor. The board may audit an applicant for licensure who receives reimbursement for expenses and the applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

(h) Trainees, associates and applicants for licensure who received a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession, or to improve recruitment and retention in underserved regions or settings, shall be considered an employee and not an independent contractor. The board may audit applicants who receive a stipend or student loan repayment, and the applicants shall have the burden of demonstrating that the payments received were for the specified purposes.

(i) Each educational institution preparing applicants pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her associates and clinical counselor trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.

§4999.46.4 OVERSIGHT OF SUPERVISEES; MAXIMUM NUMBER OF REGISTRANTS

(a) Clinical counselor trainees, associates, and applicants for licensure shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed

under the direction and control of their employer and their supervisor, and in compliance with the laws, statutes and regulations pertaining to supervision.

(b) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer. Except for periods of time during a supervisor's vacation or sick leave, an associate who is employed or volunteering in private practice shall be under the direct supervision of a supervisor who is either employed by and practices at the same site as the associate's employer, or is an owner or shareholder of the private practice.

(c) A licensed professional in private practice who has satisfied the requirements of subdivision (h) of Section 4999.12 may supervise or employ, at any one time, no more than a total of three individuals registered as an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker in that private practice.

(d) The following limits shall apply to professional clinical counselor corporations:

- (1) A professional clinical counselor corporation may employ-retain, at any one time, no more than a total of three individuals employees and volunteers registered as an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of subdivision (h) of Section 4999.12.
- (2) In no event shall any professional clinical counselor corporation employ-retain, at any one time, more than a total of 15 individuals employees and volunteers registered as an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker.
- (3) In no event shall any supervisor supervise, at any one time, more than a total of three individuals employees or volunteers registered as an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker. Persons who supervise individuals employees and volunteers registered as an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker shall be employed full time by the professional clinical counselor corporation and shall be actively engaged in performing professional services at and for the professional clinical counselor corporation.
- (4) Employment and supervision within a professional clinical counselor corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

(e) In a private practice setting, the registered intern's supervisor must be an owner or shareholder of the private practice. Alternatively, the supervisor may be employed by the private practice and regularly conduct business at the same site as the registered

intern.

(e) In a setting which is not a private practice, a written agreement, as specified in regulation, must be executed between the supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an **associate** will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in **section 1820 and section 4999.46 of the Code**.this chapter and in regulation.

(g) Alternative supervision for a **supervisee** may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements set forth in this chapter and in regulation.

§4999.46.5 AUDITS OF SUPERVISORS

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. Supervisors shall maintain records of completion of the required supervisor qualifications for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

§4999.47. EMPLOYMENT; TRAINEE, REGISTERED INTERN AND APPLICANTS; REMUNERATION

(a) Clinical counselor trainees, interns, and applicants shall perform services only as an employee or as a volunteer.

The requirements of this chapter regarding gaining hours of clinical mental health experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained by interns or trainees as an independent contractor.

(1) If employed, a clinical counselor intern shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure as a professional clinical counselor.

(2) If volunteering, a clinical counselor intern shall provide the board with a letter from his or her employer verifying the intern's employment as a volunteer upon application for licensure as a professional clinical counselor.

(b) Clinical counselor trainees, interns, and applicants shall not receive any remuneration from patients or clients, and shall only be paid by their employers.

~~(c) While an intern may be either a paid employee or a volunteer, employers are encouraged to provide fair remuneration.~~

~~(d) Clinical counselor trainees, interns, and applicants who provide voluntary services or other services, and who receive no more than a total, from all work settings, of five hundred dollars (\$500) per month as reimbursement for expenses actually incurred by those clinical counselor trainees, interns, and applicants for services rendered in any lawful work setting other than a private practice shall be considered an employee and not an independent contractor.~~

~~(e) The board may audit an intern or applicant who receives reimbursement for expenses and the intern or applicant shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.~~

~~(f) Clinical counselor trainees, interns, and applicants shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and supervisor in compliance with the laws and regulations pertaining to supervision. Clinical counselor trainees, interns, and applicants shall have no proprietary interest in the employer's business.~~

~~(g) Each educational institution preparing applicants for licensure pursuant to this chapter shall consider requiring, and shall encourage, its students to undergo individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Each supervisor shall consider, advise, and encourage his or her interns and clinical counselor trainees regarding the advisability of undertaking individual, marital or conjoint, family, or group counseling or psychotherapy, as appropriate. Insofar as it is deemed appropriate and is desired by the applicant, the educational institution and supervisors are encouraged to assist the applicant in locating that counseling or psychotherapy at a reasonable cost.~~

§4999.90. UNPROFESSIONAL CONDUCT

The board may refuse to issue any registration or license, or may suspend or revoke the registration or license of any [intern-associate](#) or licensed professional clinical counselor, if the applicant, licensee, or registrant has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter shall be deemed to be a conviction within the meaning of this section.

The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022, or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a registration or license or revoke the license or registration of any person, other than one who is licensed as a physician and surgeon, who uses or offers to use drugs in the course of performing licensed professional clinical counseling services.

(d) Gross negligence or incompetence in the performance of licensed professional clinical counseling services.

(e) Violating, attempting to violate, or conspiring to violate any of the provisions of this chapter or any regulation adopted by the board.

(f) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity.

(g) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee or registrant, allowing any other person to use his or her license or registration.

(h) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(i) Intentionally or recklessly causing physical or emotional harm to any client.

(j) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(k) Engaging in sexual relations with a client, or a former client within two years following termination of therapy, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a licensed professional clinical counselor.

(l) Performing, or holding oneself out as being able to perform, or offering to perform, or permitting any trainee, applicant, or registrant under supervision to perform, any professional services beyond the scope of the license authorized by this chapter.

(m) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client which is obtained from tests or other means.

(n) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(o) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional clinical counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (n).

(p) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(q) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device.

~~(r) Any conduct in the supervision of a registered intern, associate clinical social worker, or clinical counselor trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.~~

~~(s)~~ Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

~~(t)~~ Permitting a clinical counselor trainee, ~~or intern~~ associate or applicant for licensure under one's supervision or control to perform, or permitting the clinical counselor trainee, ~~or intern~~ associate or applicant for licensure to hold himself or herself out as

competent to perform, professional services beyond the clinical counselor trainee's ~~or intern's associate's or applicant for licensure's~~ level of education, training, or experience.

(~~ut~~) The violation of any statute or regulation ~~of the standards of the profession, and the nature of the services being rendered,~~ governing the gaining and supervision of experience required by this chapter.

(~~vu~~) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(~~wy~~) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(~~xw~~) Failing to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(~~yx~~) Repeated acts of negligence.

(~~zy~~) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

(~~aaz~~) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of an examination as described in Section 123.

(~~abaa~~) Revocation, suspension, or restriction by the board of a license, certificate, or registration to practice as a professional clinical counselor, clinical social worker, educational psychologist, or marriage and family therapist.

(~~aeab~~) Failing to comply with the procedures set forth in Section 2290.5 when delivering health care via telehealth.

(~~adac~~) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

§1820 EXPERIENCE SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION

~~(a) In order for experience to qualify under Section 4999.50(a)(2) of the Code, it must have been gained in accordance with Sections 4999.44 through 4999.47 of the Code and the regulations contained in this article.~~

~~(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern; monitoring and evaluating the ability of the intern to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of professional clinical counseling. Supervision shall include that amount of direct observation, or review of audio or video tapes of counseling, as deemed appropriate by the supervisor.~~

~~(c) The term "clinical setting," as used in this article means any setting that meets all the following requirements:~~

~~(1) Lawfully and regularly provides mental health counseling or psychotherapy; and,~~

~~(2) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in Chapter 16 (Commencing with Section 4999.10) of Division 2 of the Business and Professions Code and is within the scope of practice of the profession as specified therein.~~

~~(d) The term "community mental health setting," as used in Section 4999.46 of the Code, means a clinical setting that meets all of the following requirements:~~

~~(1) Lawfully and regularly provides mental health counseling or psychotherapy;~~

~~(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;~~

~~(3) Clients receive coordinated care that includes the collaboration of mental health providers; and,~~

~~(4) Is not a private practice owned by a licensed professional clinical counselor, licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician or surgeon, a professional corporation of any of these licensed professions or a corporation of unlicensed individuals.~~

~~(e) Supervision shall be credited only upon the following conditions:~~

~~(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant or intern shall have at least one (1) hour of~~

~~one-on-one, individual, face to face supervisor contact or two (2) hours of face to face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(2) The applicant or intern shall have received at least one (1) hour of one-on-one, individual, face to face supervisor contact per week for a minimum of fifty two (52) weeks.~~

~~(3)(a) Pursuant to Section 4999.46.4 of the Business and Professions Code, in a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must shall be executed between the supervisor and the organization, employer when the supervisor is not employed by the supervisee's employer or is a volunteer.~~

~~(1) The written agreement shall be executed prior to commencement of supervision.~~

~~(2), in which the supervisor agrees The written agreement shall contain a declaration from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the internsupervisee is consistent with the intern'ssupervisee's training, education, and experience, and is appropriate in extent, kind, and quality.~~

~~(3) The agreement shall contain an acknowledgment by the employer that the employer:~~

~~(1)(i) Is aware of the licensing requirements that must be met by the internsupervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and~~

~~(2)(ii) Agrees to provide the supervisor access to clinical records of the clients counseled by the internsupervisee; and~~

~~(iii) Is aware that the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.~~

~~(b) Effective January 1, 2020, supervisors shall complete and submit a self-assessment report of qualifications to be a supervisor, as specified in section 1821.~~

~~(c) A supervisor who assumes responsibility for providing supervision under section 4999.46 of the Code shall collaborate with the supervisee to develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan". (form no. 1800 37A-521, Rev. 3/10), hereby incorporated by reference. This supervisory plan shall be completed by each~~

supervisor providing supervision and the original signed plan shall be submitted to the supervisee within 60 days of commencing supervision.

(c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee's application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to the effective date of this regulation are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed forms with his or her application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The supervisor's qualifications to be a supervisor as specified in section 1821, and in section 4999.12 of the Code.

(B) ~~An affirmation by the supervisor of his or her~~The supervisor states that he or she understands ~~of the requirements pertaining to registration of the supervisee, acceptable supervision practices and work settings, supervisee employment and oversight of supervisees as specified in sections 4999.46.1, 4999.46.3 and 4999.46.4 of the Code.~~

(C) ~~An affirmation by the supervisor of his or her~~The supervisor states that he or she understands ~~of the requirements pertaining to direct supervisor contact as specified in section 4999.46.2 of the Code.~~

(D) ~~An affirmation by the supervisor of his or her~~The supervisor states that he or she understands ~~of the supervision documentation required by section 1820 and the Board's right to audit a supervisor's compliance with the requirements specified in this article and in the Code.~~

(E) ~~An affirmation by the supervisee of his or her~~The supervisee states that he or she understands ~~of all of the following:~~

(i) Requirements pertaining to registration as an associate as specified in section 4999.46.1 of the Code.

(ii) ~~The requirement that a~~The supervisee's supervisor must hold a current and active California license while supervising in order for hours to count toward licensure ~~as specified in section 1821.~~

(iii) Requirements pertaining to documentation of completed supervised experience ~~as specified in this section.~~

(iv) Prohibited practices pertaining to employment and supervisory relationships ~~as specified in section 4999.46.3 of the Code.~~

(v) The six-year limit pertaining to experience hours ~~as specified in section 4999.46 of the Code.~~

(F) A supervisory plan that describes the goals and objectives of supervision, and

whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1821, and in section 4999.12 of the Code.

~~(4)(d) The applicant or intern-associate shall maintain a record~~weekly log of all hours of experience gained toward licensure ~~on the "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" (form No. 1800-37A-645 Revised 02/15), hereby incorporated by reference.~~ The ~~record~~log of hours must be signed by the supervisor on a weekly basis. An ~~intern-associate~~ shall retain ~~all "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns"~~the signed logs until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the ~~"Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" log~~ as it deems necessary to verify hours of experience. The log shall include all of the following:

- (1) The name and address of the supervisee's work setting.
- (2) A breakdown Hours of the experience hours gained by category in a given week.
- (3) Total hours gained per week and in each category overall.

~~(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted by the supervisee upon application for licensure and shall include all of the following:~~

- (1) The supervisor's telephone number, and the supervisor's license information.
- (2) The supervisee's employer's name, address and telephone number.
- (3) Information about Whether the supervisee's work setting complies with sections 4999.46.3 and 4999.46.4 of the Code.
- (4) If the supervisee is/was an intern-associate at the time the experience was gained, documentation of employment or volunteer status, as specified in section 4999.46.3 of the Code.
- (5) The applicant's accumulated hours of experience broken down by category.
- (6) The amount and type of supervision provided to the applicant.
- (7) The dates during which the experience was gained.
- (8) The supervisor's signature under penalty of perjury.

~~(f) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.~~

NOTE: Authority cited: Sections 4990.20, 4999.48 and 4999.50, Business and Professions Code. Reference: Sections 4999.44, 4999.12 4999.45, and 4999.46, through 4999.46.4-4999.47 Business and Professions Code.

§1821. REQUIREMENTS FOR SUPERVISORS

(a) Any person supervising an intern-associate (hereinafter "supervisor") within California shall comply with the requirements set forth in this section.

~~(b) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (form No. 1800-37A-643, New 3/10), hereby incorporated by reference, requiring that:~~

(1) The supervisor possesses and maintains a current valid and active California license that is not under suspension or probation as either a professional clinical counselor, marriage and family therapist, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4999.12 (h) of the Code and has been so licensed in California or in any other state for at least two of the past five years immediately prior to commencing any supervision.

(2) A supervisor who is not licensed as a professional clinical counselor, shall have sufficient experience, training, and education in professional clinical counseling to competently practice professional clinical counseling in California.

~~(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keepThe supervisor keeps himself or herself informed of developments in professional clinical counseling and in California law governing the practice of professional clinical counseling.~~

(4) The supervisor ~~has and maintains a current license in good standing and~~ will immediately notify the intern-associate of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects the supervisor's ability or right to practice or supervise.

(5) The supervisor has practiced psychotherapy or provided direct clinical supervision of MFT trainees, associate MFTs, interns, associate PCCs, or associate clinical social workers, who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program, or LPCC trainees, who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise interns-associates. Persons licensed by the board who provide supervision shall complete the minimum supervision training or coursework specified in Section 1821.3.

~~(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal~~

~~period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.~~

~~(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.~~

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of interns associates and the experience required for licensure as a professional clinical counselor.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed by the internsupervisee is consistent with the education, training, and experience of the intern-associate.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the internsupervisee by review of progress notes, process notes, and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor. ~~direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.~~

(10) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate at least once a year and at the completion or termination of supervision. The supervisor shall provide the associate with a copy of all assessments.

~~(10)(11)~~ The supervisor shall address with the intern the manner in which emergencies will be handled-establish written procedures for associates to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist associates in handling crises and emergencies. The supervisor shall provide these procedures to the associate.

(12) If the supervisor is a licensed professional clinical counselor who is supervising an associate marriage and family therapist or a marriage and family therapist trainee; or who is supervising an associate professional clinical counselor or licensee seeking experience to treat couples and families in compliance with section 4999.20(a)(3)(B) of the code, then the supervisor shall meet the additional training and education requirements specified in paragraph (3) of subdivision (a) of section 4999.20.

~~(c) Each supervisor shall provide the intern with the original signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form No. 1800-37A-643) prior to the commencement of any counseling or supervision. Interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form No. 1800-37A-643) from each~~

~~supervisor upon application for examination eligibility.~~

~~(d)(b)~~ A supervisor shall give at least one (1) week's prior written notice to an intern associate of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

~~(e)(c)~~ The supervisor shall obtain from each intern-associate for whom supervision will be provided, the name, address, and telephone number of the intern's associate's most recent supervisor and employer.

~~(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in section 1820 and section 4999.46 of the Code.~~

(d) Effective January 1, 2020, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

- (1) ~~The supervisor's license information and status~~ The supervisor's qualifications to be a supervisor as specified in section 4999.12 of the Code.
- (2) The supervisor's telephone number and email address.
- (3) The date the licensee began supervising.
- ~~(4) The supervisor's qualifications to supervise.~~
- (4) The supervisor's compliance with the training required by section 1821.3.
- (5) ~~The supervisor's affirmation states that he or she understands all of the requirements set forth in sections 4999.12(h) and 4999.46.4(c) and (d) of the Code, and in sections 1821(a), 1821.2 and 1821.3 following:~~
 - (A) The supervisor's license must meet the requirements set forth in section 4999.12 of the Code for a supervisee's experience hours to be credited.
 - (B) The supervisee notification requirement set forth in paragraph (a)(4) of this section.
 - (C) The requirements set forth in section 4999.46.4 of the Code pertaining to the maximum number of registrants.
 - (D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4999.46.5 of the Code.
 - (E) The requirement to complete a supervision agreement for each supervisee as specified in section 1820.

(e) New supervisors shall submit a self-assessment report to the Board within 60 days

of the commencement of any supervision.

(f) Pre-existing supervisors, defined as individuals acting as a supervisor prior to January 1, 2020, shall submit a self-assessment report to the Board by December 31, 2020.

(g) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

~~(h) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a) (6) (A).~~

NOTE: Authority cited: Sections 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.20, and 4999.46 through 4999.46.4 4999.34, 4999.36, 4999.44 through 4999.48 and 4999.54, Business and Professions Code.

§1821.1 SUBSTITUTE SUPERVISORS

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1820, and the supervisor shall sign the weekly log specified in section 1820.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

- 1) A new supervisory plan is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.
- 2) The experience gained during that 30-day period may be verified by the regular supervisor.

(d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time as required by section 1820.

NOTE: Authority cited: Sections 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.46, and 4999.46.4, Business and Professions Code.

§1822. SUPERVISORY PLAN

~~(a) All licensed mental health professionals acceptable to the board as defined in Section 4999.12 of the Code who assume responsibility for providing supervision under section 4999.46 of the Code shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the “Supervisory Plan”, (form no. 1800 37A-521, Rev. 3/10), hereby incorporated by reference.~~

~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the professional clinical counselor intern to the board upon application for examination eligibility.~~

~~Note: Authority cited: Section 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.34, 4999.36, 4999.44 through 4999.48 and 4999.54 Business and Professions Code.~~

§1821.2. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

Experience gained outside of California must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, professional clinical counselor, marriage and family therapist or similarly titled marriage and family practitioner, or other equivalent license that allows the practitioner to independently provide clinical mental health services.

NOTE: Authority cited: Sections 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.60 and 4999.61, Business and Professions Code.

§1821.3. SUPERVISOR TRAINING AND COURSEWORK

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

- (a) Beginning January 1, 2019, supervisors who commence supervision for the first time in California shall obtain fifteen (15) contact hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in regulation. If taken from a continuing education provider specified as acceptable by the Board in regulation,

training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

- 1) The content of such training shall include, but not be limited to, current best practices and current standards regarding the following:
 - (A) Competencies necessary for new supervisors;
 - (B) Goal setting and evaluation;
 - (C) The supervisor-supervisee relationship;
 - (D) California law and ethics, including legal and ethical issues related to supervision;
 - (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
 - (F) Contextual variables, such as treatment modality, work settings, and use of technology;
 - (G) Supervision theories and literature; and
 - (H) Documentation and record keeping of the supervisee's client files, as well as supervision.
 - 2) If taken from a government agency or a continuing education provider, this course shall have been taken within 2 years prior to commencing supervision, or within 60 days after commencing supervision.
 - 3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within 4 years prior to commencing supervision, or completed within 60 days after commencing supervision.
- (b) A six (6) hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least 2 years within the 5 year period immediately preceding any supervision.
- (c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision in each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and shall be documented:
- 1) Training or coursework directly covering the topic of supervision, obtained from a government agency or from a continuing education provider specified as acceptable by the board in regulation. If taken from a continuing education provider specified as acceptable by the board in regulation, it may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code;

- 2) Teaching a supervision course as specified in subparagraph (1).
 - 3) Authoring research ~~pertaining to~~ directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, newsletters, or other published work deemed equivalent by the board. It shall not include personal opinion papers, editorials, or blogs.
 - 4) Receiving mentoring of supervision or supervision of supervision from another board licensee who also qualifies as a supervisor. Collaboration with another board licensee who also qualifies as a supervisor through use of mentoring or consultation.
 - 5) Documented Attendance at supervisor peer discussion groups with other board licensees who also qualify as supervisors.
- (d) (1) In lieu of subparagraphs (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:
- (A) The American Association for Marriage and Family Therapy (AAMFT)
 - (B) The American Board of Examiners in Clinical Social Work (ABECSW)
 - (C) The California Association of Marriage and Family Therapists (CAMFT)
 - (D) The Center for Credentialing and Education (CCE)
- (2) These licensees shall maintain a current and active California license, but are not required to have been actively licensed for at least two of the past five years immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct supervision of trainees or registrants for at least two of the past five years immediately preceding any supervision.
- (3) The board may, in its sole discretion, accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of the above entities.
- (e) The board shall not deny hours of experience gained towards licensure by any associate due to failure of his or her supervisor to complete the training, coursework, or continuing professional development requirements in this section.

NOTE: Authority cited: Sections 4990.20 and 4999.48 Business and Professions Code.
Reference: Sections 4999.12 and 4999.48, Business and Professions Code.

§1821.3. DOCUMENTATION OF SUPERVISOR QUALIFICATIONS: AUDITS

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications. Supervisors shall maintain records of completion of the required supervisor qualifications specified in this article for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

NOTE: Authority cited: Sections 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12 and 4999.48, Business and Professions Code.

ATTACHMENT B

Reference Sections – Current Law: BPC §§4999.12, 4999.46, 16 CCR §§ 1820-1822

§4999.12. DEFINITIONS

For purposes of this chapter, the following terms have the following meanings:

- (a) “Board” means the Board of Behavioral Sciences.
- (b) “Accredited” means a school, college, or university accredited by the Western Association of Schools and Colleges, or its equivalent regional accrediting association.
- (c) “Approved” means a school, college, or university that possessed unconditional approval by the Bureau for Private Postsecondary Education at the time of the applicant’s graduation from the school, college, or university.
- (d) “Applicant” means an unlicensed person who has completed a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, and whose application for registration as an intern is pending or who has applied for examination eligibility, or an unlicensed person who has completed the requirements for licensure specified in this chapter and is no longer registered with the board as an intern.
- (e) “Licensed professional clinical counselor” or “LPCC” means a person licensed under this chapter to practice professional clinical counseling, as defined in Section 4999.20.
- (f) “Intern” means an unlicensed person who meets the requirements of Section 4999.42 and is registered with the board.
- (g) “Clinical counselor trainee” means an unlicensed person who is currently enrolled in a master’s or doctoral degree program, as specified in Section 4999.32 or 4999.33, as applicable, that is designed to qualify him or her for licensure under this chapter, and who has completed no less than 12 semester units or 18 quarter units of coursework in any qualifying degree program.
- (h) “Approved supervisor” means an individual who meets the following requirements:
 - (1) Has documented two years of clinical experience as a licensed professional clinical counselor, licensed marriage and family therapist, licensed clinical psychologist, licensed clinical social worker, or licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology.
 - (2) Has received professional training in supervision.

(3) Has not provided therapeutic services to the clinical counselor trainee or intern.

(4) Has a current and valid license that is not under suspension or probation.

(i) “Client centered advocacy” includes, but is not limited to, researching, identifying, and accessing resources, or other activities, related to obtaining or providing services and supports for clients or groups of clients receiving psychotherapy or counseling services.

(j) “Advertising” or “advertise” includes, but is not limited to, the issuance of any card, sign, or device to any person, or the causing, permitting, or allowing of any sign or marking on, or in, any building or structure, or in any newspaper or magazine or in any directory, or any printed matter whatsoever, with or without any limiting qualification. It also includes business solicitations communicated by radio or television broadcasting. Signs within church buildings or notices in church bulletins mailed to a congregation shall not be construed as advertising within the meaning of this chapter.

(k) “Referral” means evaluating and identifying the needs of a client to determine whether it is advisable to refer the client to other specialists, informing the client of that judgment, and communicating that determination as requested or deemed appropriate to referral sources.

(l) “Research” means a systematic effort to collect, analyze, and interpret quantitative and qualitative data that describes how social characteristics, behavior, emotion, cognitions, disabilities, mental disorders, and interpersonal transactions among individuals and organizations interact.

(m) “Supervision” includes the following:

(1) Ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised.

(2) Reviewing client or patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the clinical counselor trainee.

(3) Monitoring and evaluating the ability of the intern or clinical counselor trainee to provide services to the particular clientele at the site or sites where he or she will be practicing.

(4) Ensuring compliance with laws and regulations governing the practice of licensed professional clinical counseling.

(5) That amount of direct observation, or review of audio or videotapes of counseling or therapy, as deemed appropriate by the supervisor.

§4999.46. SUPERVISED EXPERIENCE REQUIREMENTS; QUALIFICATION FOR LICENSURE; EFFECTIVE JANUARY 1, 2016

(a) To qualify for licensure as specified in Section 4999.50, applicants shall complete experience related to the practice of professional clinical counseling under an approved supervisor. The experience shall comply with the following:

(1) A minimum of 3,000 postdegree hours of supervised experience performed over a period of not less than two years (104 weeks).

(2) Not more than 40 hours in any seven consecutive days.

(3) Not less than 1,750 hours of direct counseling with individuals, groups, couples, or families in a setting described in Section 4999.44 using a variety of psychotherapeutic techniques and recognized counseling interventions within the scope of practice of licensed professional clinical counselors.

(4) Not less than 150 hours of clinical experience in a hospital or community mental health setting, as defined in Section 1820 of Title 16 of the California Code of Regulations.

(5) A maximum of 1,250 hours of nonclinical practice, consisting of direct supervisor contact, administering and evaluating psychological tests, writing clinical reports, writing progress or process notes, client centered advocacy, and workshops, seminars, training sessions, or conferences directly related to professional clinical counseling that have been approved by the applicant's supervisor.

(b) An individual who submits an application for examination eligibility between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements that were in place on January 1, 2015.

(c) No hours of clinical mental health experience may be gained more than six years prior to the date the application for examination eligibility was filed.

(d) An applicant shall register with the board as an intern in order to be credited for postdegree hours of experience toward licensure. Postdegree hours of experience shall be credited toward licensure, provided that the applicant applies for intern registration within 90 days of the granting of the qualifying degree and is thereafter granted the intern registration by the board. An applicant shall not be employed or volunteer in a private practice until registered as an intern by the board.

(e) All applicants and interns shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of professional clinical counseling.

(f) Experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Experience obtained under the supervision of a supervisor with whom the applicant has

had or currently has a personal, professional, or business relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) Except for experience gained by attending workshops, seminars, training sessions, or conferences as described in paragraph (5) of subdivision (a), supervision shall include at least one hour of direct supervisor contact in each week for which experience is credited in each work setting.

(1) No more than six hours of supervision, whether individual or group, shall be credited during any single week. This paragraph shall apply to supervision hours gained on or after January 1, 2009.

(2) An intern shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained.

(3) For purposes of this section, "one hour of direct supervisor contact" means one hour of face-to-face contact on an individual basis or two hours of face-to-face contact in a group of not more than eight persons in segments lasting no less than one continuous hour.

(4) Notwithstanding paragraph (3), an intern working in a governmental entity, a school, a college, or a university, or an institution that is both nonprofit and charitable, may obtain the required weekly direct supervisor contact via two-way, real-time videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is upheld.

(h) This section shall become operative on January 1, 2016.

§1820 EXPERIENCE

(a) In order for experience to qualify under Section 4999.50(a)(2) of the Code, it must have been gained in accordance with Sections 4999.44 through 4999.47 of the Code and the regulations contained in this article.

(b) The term "supervision", as used in this article, includes ensuring that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the person being supervised; reviewing client/patient records, monitoring and evaluating assessment, diagnosis, and treatment decisions of the intern; monitoring and evaluating the ability of the intern to provide services at the site(s) where he or she will be practicing and to the particular clientele being served; and ensuring compliance with laws and regulations governing the practice of professional clinical counseling. Supervision shall include that amount of direct observation, or review of audio or video tapes of counseling, as deemed appropriate by the supervisor.

(c) The term "clinical setting," as used in this article means any setting that meets all the following requirements:

(1) Lawfully and regularly provides mental health counseling or psychotherapy; and,

(2) Provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements set forth in Chapter 16 (Commencing with Section 4999.10) of Division 2 of the Business and Professions Code and is within the scope of practice of the profession as specified therein.

(d) The term "community mental health setting," as used in Section 4999.46 of the Code, means a clinical setting that meets all of the following requirements:

(1) Lawfully and regularly provides mental health counseling or psychotherapy;

(2) Clients routinely receive psychopharmacological interventions in conjunction with psychotherapy, counseling, or other psycho-social interventions;

(3) Clients receive coordinated care that includes the collaboration of mental health providers; and,

(4) Is not a private practice owned by a licensed professional clinical counselor, licensed marriage and family therapist, a licensed psychologist, a licensed clinical social worker, a licensed physician or surgeon, a professional corporation of any of these licensed professions or a corporation of unlicensed individuals.

(e) Supervision shall be credited only upon the following conditions:

(1) During each week in which experience is claimed and for each work setting in which experience is gained, an applicant or intern shall have at least one (1) hour of one-on-one, individual, face-to-face supervisor contact or two (2) hours of face-to-face supervisor contact in a group of not more than eight (8) persons receiving supervision. No more than five (5) hours of supervision, whether individual or group, shall be credited during any single week.

(2) The applicant or intern shall have received at least one (1) hour of one-on-one, individual, face-to-face supervisor contact per week for a minimum of fifty-two (52) weeks.

(3) In a setting which is not a private practice, the authorized supervisor may be employed by the applicant's employer on either a paid or a voluntary basis. If such employment is on a voluntary basis, a written agreement must be executed between the supervisor and the organization, prior to commencement of supervision, in which the supervisor agrees to ensure that the extent, kind, and quality of counseling performed by the intern is consistent with the intern's training, education, and experience, and is appropriate in extent, kind, and quality. The agreement shall contain an acknowledgment by the employer that the employer:

(A) Is aware of the licensing requirements that must be met by the intern and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; and

(B) Agrees to provide the supervisor access to clinical records of the clients counseled by the intern.

(4) The applicant or intern maintains a record of all hours of experience gained toward licensure on the "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" (form No. 1800 37A-645 Revised 02/15), hereby incorporated by reference. The record of hours must be signed by the supervisor on a weekly basis. An intern shall retain all "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" until such time as the applicant is licensed by the board. The board shall have the right to require an applicant to submit all or such portions of the "Weekly Summary of Experience Hours for Professional Clinical Counselor Interns" as it deems necessary to verify hours of experience.

(f) When an intern employed in private practice is supervised by someone other than the employer, the supervisor must be employed by and practice at the same site(s) as the intern's employer.

NOTE: Authority cited: Section 4990.20, 4999.48 and 4999.50, Business and Professions Code. Reference: Sections 4999.44, 4999.45, 4999.46, 4999.47 Business and Professions Code.

§1821. REQUIREMENTS FOR SUPERVISORS

(a) Any person supervising an intern (hereinafter "supervisor") within California shall comply with the requirements set forth in this section.

(b) Prior to the commencement of any counseling or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (form No.1800 37A-643, New 3/10), hereby incorporated by reference, requiring that:

(1) The supervisor possesses and maintains a current valid California license as either a professional clinical counselor, marriage and family therapist, licensed clinical social worker, licensed psychologist, or physician who is certified in psychiatry as specified in Section 4999.12 (h) of the Code and has been so licensed in California for at least two years prior to commencing any supervision.

(2) A supervisor who is not licensed as a professional clinical counselor, shall have sufficient experience, training, and education in professional clinical counseling to competently practice professional clinical counseling in California.

(3) The supervisor keeps himself or herself informed of developments in professional clinical counseling and in California law governing the practice of professional clinical counseling.

(4) The supervisor has and maintains a current license in good standing and will immediately notify the intern of any disciplinary action, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure that affects the supervisor's ability or right to supervise.

(5) The supervisor has practiced psychotherapy or provided direct supervision of trainees, interns, or associate clinical social workers who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding any supervision.

(6) The supervisor has had sufficient experience, training, and education in the area of clinical supervision to competently supervise interns.

(A) Persons licensed by the board who provide supervision shall complete a minimum of six (6) hours of supervision training or coursework in each renewal period while providing supervision. This training or coursework may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

(B) Persons licensed by the board who provide supervision and who have not met requirements of subsection (A), shall complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of commencement of supervision.

(7) The supervisor knows and understands the laws and regulations pertaining to both the supervision of interns and the experience required for licensure as a professional clinical counselor.

(8) The supervisor shall ensure that the extent, kind, and quality of counseling performed by the intern is consistent with the education, training, and experience of the intern.

(9) The supervisor shall monitor and evaluate the extent, kind, and quality of counseling performed by the intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate by the supervisor.

(10) The supervisor shall address with the intern the manner in which emergencies will be handled.

(c) Each supervisor shall provide the intern with the original signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form No. 1800 37A-643) prior to the commencement of any counseling or supervision. Interns shall provide the board with the signed "Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern" (new 03/10, form No. 1800 37A-643) from each supervisor upon application for examination eligibility.

(d) A supervisor shall give at least one (1) week's prior written notice to an intern of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(e) The supervisor shall obtain from each intern for whom supervision will be provided, the name, address, and telephone number of the intern's most recent supervisor and employer.

(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in section 1820 and section 4999.46 of the Code.

(g) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(h) The board shall not deny hours of experience gained towards licensure by any supervisee due to failure of his or her supervisor to complete the training or coursework requirements in subsection (a) (6) (A).

NOTE: Authority cited: Sections 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.34, 4999.36, 4999.44 through 4999.48 and 4999.54, Business and Professions Code.

§1822. SUPERVISORY PLAN

(a) All licensed mental health professionals acceptable to the board as defined in Section 4999.12 of the Code who assume responsibility for providing supervision under section 4999.46 of the Code shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800 37A-521, Rev. 3/10), hereby incorporated by reference.

(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the professional clinical counselor intern to the board upon application for examination eligibility.

Note: Authority cited: Section 4990.20 and 4999.48 Business and Professions Code. Reference: Sections 4999.12, 4999.34, 4999.36, 4999.44 through 4999.48 and 4999.54 Business and Professions Code.

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To: Policy and Advocacy Committee Members **Date:** September 20, 2016
From: Christy Berger **Telephone:** (916) 574-7817
Regulatory Analyst
Subject: LCSW Statutes and Regulations: Proposed Supervision Amendments

The Board's Supervision Committee met 11 times beginning in April 2014, and ending in August 2016. The Committee's work initially resulted in the 2015 legislation which streamlined the experience categories required for licensure. This document represents the remainder of the Committee's work, and pertains mainly to qualifications of supervisors, supervisor responsibilities, types of supervision provided, and employment.

Some of the changes being proposed are significant, and are based on the results of a survey of supervisors and supervisees, a large amount of stakeholder feedback, and supervision standards in other states. When considering proposed changes, the Committee attempted to balance any potential barriers to providing supervision with the needs expressed by stakeholders, as well as the need for public protection.

Attachment A contains a draft of proposed amendments to licensed clinical social worker (LCSW) statutes and regulations based on the prior discussions and decisions of the Committee.

The proposed language changes in Attachment A are color coded as follows:

- **Blue** strikeout/underline indicates text that has simply been moved from one location to another.
- **Red** or **Green** strikeout/underline indicates new language, which ranges from minor changes in wording to more significant changes.
 - Text shown in **Red** are amendments made by the Supervision Committee.
 - Text shown in **Green** are amendments made after the last Supervision Committee meeting, and include suggestions from DCA Legal.

To follow is a summary of the proposed amendments. Most of the amendments are the same across all three license types (LCSW, LMFT and LPCC). However, some are specific to the LCSW program. *Italicized text at the bottom of each item indicates whether the amendments are the same or if they differ by license type.* This should assist the Committee and stakeholders to perform a streamlined review of all three related agenda items.

1. **Unprofessional Conduct:** There are inconsistencies in the unprofessional conduct provisions between the license types pertaining to supervision. Changes are proposed so that the LCSW statutes will mirror the LMFT and LPCC statutes.

Section Affected: BPC §4992.3; Change proposed for LCSW only.

2. **3,000 Supervised Experience Hours:**

At the request of stakeholders, the amount of supervised experience hours required for licensure is proposed to be reduced from 3,200 hours to 3,000 hours. Additionally, the maximum for the “nonclinical” category is also proposed to be reduced from 1,200 hours to 1,000 hours. The purpose is to put California in alignment with the majority of other states and with the LPCC and LMFT professions.

Sections Affected: BPC §§4996.17 and 4996.23; Change proposed for LCSW only.

3. **Supervisors Licensed for at Least Two Years:** Current regulations require a supervisor to have been licensed in California or in any other state for at least two years prior to commencing supervision.

The amendments allow a licensee to supervise if he or she has been actively licensed in California or holds an equivalent license in any other state for at least 2 of the past 5 years immediately prior to commencing any supervision.

Additionally, the amendments add subparagraphs (a)(4) prohibiting a supervisor from having provided therapy to the associate, and (a)(5) requiring maintenance of an active license not under suspension or probation, for consistency with the LMFT and LPCC professions.

Sections Affected: BPC §4996.20(a), 16 CCR §1870; Change also proposed for LPCC and LMFT.

4. **Experience Required of Supervisors:** In order to supervise a registrant, current regulations require a supervisor to have practiced psychotherapy or provided direct clinical supervision for 2 of the past 5 years.

However, the wording of this law is inconsistent across the Board’s license types, and in some cases it is unclear if supervision of LPCC trainees or master’s level social work students counts as qualifying supervisory experience. This amendment would clarify that

supervision of social work students or LPCC trainees is acceptable as experience to qualify as a supervisor, and would make the language consistent for each of the Board's license types. This language has also been added to statute for clarity.

Section Affected: BPC § 4996.20, 16 CCR §1870(a); Change also proposed for LPCC and LMFT.

5. Definition of Supervision: The proposed changes are based on the following items requested by the Supervision Committee:

- An amendment to require the supervisor to monitor for and address any countertransference, intrapsychic, and interpersonal issues that may affect the supervisory or the practitioner-patient relationship;
- An amendment stating that the supervisor should review progress notes, process notes, and other treatment records as he or she deems appropriate, and also an amendment stating the supervisor should engage in direct observation or review of audio or video recordings, with client written consent, as the supervisor deems appropriate.

Additionally, a minor change to (b)(1) was made for consistency with the LMFT and LPCC professions.

Sections Affected/Added: BPC §4996.20(b), 16 CCR §1870; Change also proposed for LPCC and LMFT.

6. Split BPC Section 4996.23 and Move BPC Section 4996.24: BPC Section 4996.23 has been divided into smaller sections, with each new section focused on a specific topic of supervision. BPC Section 4996.24 has been moved into a new section, in order to group it with the other related provisions pertaining to supervision and employment settings.

Sections Affected/Added: BPC §§4996.23 – 4996.23.3; Change proposed for LCSW only.

7. Employees, Volunteers and Independent Contracting: Gaining Experience vs. Performing Services:

Current LCSW statute allows associates to gain experience only as an employee or a volunteer, consistent with the other professions. However, LCSW law does not prohibit experience from being gained as an independent contractor, but LMFT and LPCC law does.

The Supervision Committee decided to clarify that no associates or applicants for licensure are allowed to perform services or gain experience within the defined scope of practice of the profession, as an independent contractor.

Section Added: BPC §4996.23.2(a); Change also proposed for LPCC and LMFT.

8. **Handling Crises and Emergencies:** The American Counseling Association’s Ethical Code requires supervisors to establish and communicate to supervisees procedures for contacting either the supervisor, or an alternate on-call supervisor, in a crisis. The Supervision Committee decided to adopt this requirement for all supervisors.

Section Added: 16 CCR §1870(d); Change also proposed for LPCC and LMFT.

9. **Amount of Direct Supervisor Contact Required for Applicants Finished Gaining Experience Hours:** Currently, the statute does not specifically define how much direct supervisor contact an associate needs once he or she is finished gaining experience hours needed to count toward licensure. (An associate gaining experience hours must obtain at least one hour of direct supervisor contact in each week, plus one additional hour in that week if more than 10 hours of direct client contact that week, in order for the hours to count.)

At a previous meeting, the Committee recommended that the amount of supervision should be specified even if experience hours are no longer being counted. This amendment specifies that once the required number of experience hours are gained, associates and applicants for licensure must obtain at least one hour of supervision per week for each setting in which direct clinical counseling is performed. Supervision for nonclinical practice would be at the supervisor’s discretion.

Sections Affected/Added: BPC §4996.23.1(h) ; Change also proposed for LPCC and LMFT.

10. **Definition of “One Hour of Direct Supervisor Contact”; Triadic Supervision:** The revisions provide a specific definition of “one hour of direct supervisor contact.” Triadic supervision (one supervisor meeting with two supervisees) is now included in this definition.

Section Added: BPC §4996.23.1(a); Change also proposed for LPCC and LMFT.

11. **Amount of Individual Supervision:** Current statute requires an applicant to have obtained a minimum of one hour of individual supervision per week for at least 52 of the 104 weeks required. The proposed amendment would allow the 52 weeks of supervision to either be individual or triadic.

Section Added: BPC §4996.23.1(d); Change also proposed for LPCC and LMFT.

12. **Individual Supervision Under a LCSW:** Current statute requires 13 weeks of an applicant’s supervised experience to include a minimum of one hour of individual supervision specifically under a LCSW. The proposed amendment would allow these 13 weeks of supervision to either be individual or triadic.

Section Added: BPC §4996.23.1(e); Change proposed for LCSW only.

13. Supervision in a Group: Current statute allows group supervision to consist of up to 8 supervisees. An amendment states that the supervisor must ensure that the amount of group supervision is appropriate to each supervisee's needs.

Section Added: BPC §4996.23.1(f); Change also proposed for LPCC and LMFT.

14. Supervision via Videoconferencing and HIPAA Compliance: Current statute allows an associate working in an exempt setting to obtain supervision via videoconferencing. The Committee asked to add a statement requiring the videoconferencing be HIPAA compliant.

In the past, the Board has expressed a preference to refrain from mentioning HIPAA directly in statute, as its name could possibly change over time. Therefore, staff has added a statement that *"The supervisor shall be responsible for ensuring compliance with state and federal laws relating to confidentiality of patient health information."*

Section Added: BPC §4996.23.1(g); Change also proposed for LPCC and LMFT.

15. Licensed Clinical Social Workers' Corporations: Current statute limits the number of registrants a licensed clinical social workers' corporation may employ. However, the use of the word employ is intended to include employees and volunteers. Since volunteers are not actually employed, the language has been revised to more accurately account for this.

Additionally, the language regarding these limits on registrants working for licensed clinical social workers' corporations has been separated into subsections for clarity purposes.

Section Affected: BPC §4996.23.3; Change also proposed for LPCC and LMFT.

16. Employment, Supervision and Work Settings – Consistency with LMFT and LPCC: A number of provisions in current LMFT and LPCC statute are proposed to be added to LCSW statute for consistency. This would be helpful for supervisors, many of whom supervise for more than one different license type. The provisions proposed to be added are summarized below:

- A. All experience and supervision requirements are applicable equally to employees and volunteers.
- B. Experience may be gained solely as part of the position for which the associate volunteers or is employed.
- C. Associates and applicants who receive reimbursement for expenses incurred for services rendered in a setting other than a private practice, and are issued a tax form 1099, shall be considered an employee and not an independent contractor. Applicants have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.

- D. Associates and applicants who receive a stipend or educational loan repayment as an incentive for working in an underserved region, or from a program designed to encourage demographically underrepresented groups to enter the profession, and are issued a tax form 1099, shall be considered an employee and not an independent contractor. Applicants have the burden of demonstrating that the payments received were for this purpose.
- E. A supervisor must evaluate the associate's work site and determine that the site provides experience within the scope of practice, and that experience gained will be in compliance with all legal requirements.
- F. In any setting, associates and applicants shall only perform services where their employer regularly conducts business, which may include other locations if the services are performed under the direction and control of the employer and supervisor.
- G. In a private practice setting, the associate's supervisor must be one of the following:
 - o An owner or shareholder of the private practice OR
 - o Employed by the private practice AND practices at the same site as the associate's employer.

Sections Added: BPC §§4996.23.2, 4996.23.3; Changes are specific to LCSW due to differences in current statute, but the resulting language is the same for LMFT and LPCC.

17. Supervision – Written Agreement – Consistency with LMFT and LPCC: Currently, an associate working in any setting, including private practice, may obtain supervision from a person not employed by the associate's employer if the supervisor signs an agreement with the employer to "take supervisory responsibility for the associate's social work services." The following amendments to this provision are proposed for consistency with LMFT and LPCC law:

- A. Disallow in a private practice setting: No longer allow supervision by a person not employed by the private practice. This goes hand-in-hand with item #16 G above, which would require the supervisor to be an owner, shareholder or employed by the private practice. These provisions would avoid situations where an associate is working in a private practice without adequate supervisory oversight. Other settings, such as an agency, are more appropriate for this arrangement as they typically have more structure, support and other supervisory oversight.
- B. Change the content of the written agreement:
 - Rather than simply requiring the individual to take "supervisory responsibility," which is inherent in any supervisory relationship, the proposed language would instead require the supervisor to, "ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality." The agreement would also require an acknowledgment by the employer that the employer:

- Is aware of the licensing requirements that must be met by the supervisee and agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements; AND
- Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee.

The Supervision Committee recommended requiring the written agreement to contain an acknowledgement that the employer is aware the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

Sections Added: BPC §4996.23.3(e), 16 CCR §1869(a); Changes are specific to LCSW due to differences in current statute, but the resulting language is the same for LMFT and LPCC.

18. Substitute Supervisors: It is sometimes necessary for supervisees to temporarily have a substitute supervisor. This situation may happen with or without warning. The Supervision Committee has recommended language that would clarify the specific requirements and necessary documentation for a temporary substitute supervisor, based on how long the substitute will be filling in.

Section Added: 16 CCR §1870.1; Change also proposed for LPCC and LMFT.

19. Required Training and Coursework for Supervisors: Current law requires supervisors commencing supervision for the first time to complete a 15 hour supervision course covering specified topic areas. Age limits for the course are now specified (would apply only to new supervisors), and the course can be counted as continuing education if taken from an accepted provider. Also, any supervisor who has not supervised in two (2) of the last five (5) years must retake a six (6) hour course.

This new section also specifies that supervisors must complete six (6) hours of continuing professional development in each renewal period while supervising. This can consist of a supervision course, or other professional development activities such as teaching, research, or supervision mentoring. All of these activities must be documented.

Due to concerns from DCA Legal since the final Supervision Committee meeting, the option to count research published professionally toward the continuing professional development requirement was clarified. The language now states the following: *“This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, newsletters, or other published work deemed equivalent by the board. It shall not include personal opinion papers, editorials, or blogs.”*

Staff also worked with legal counsel to clarify the option of receiving mentoring from another supervisor, or “supervision of supervision” as continuing professional development. That language now reads as follows: “*Collaboration with another board licensee who also qualifies as a supervisor through use of mentoring or consultation.*”

The Committee may wish to discuss these new amendments further.

An exception to the initial and ongoing training requirements is proposed for a supervisor who holds a supervision certification from one of four specified entities. The Board also has discretion to accept certification from another entity if it believes its requirements are equivalent or greater. Such a certification exempts the supervisor from the 15 hour coursework and six (6) hour professional development requirements, and it allows them to waive the requirement that they must have been licensed and either supervising or practicing psychotherapy for two (2) of the past five (5) years prior to commencing any supervision.

The proposed language is specifically worded so that it only applies to supervisors who are also Board licensees. Supervisors who are licensed psychologists or psychiatrists would not need to complete the supervision training and coursework, consistent with current law.

Recently, staff made amendments to clarify that the training and coursework requirements apply to supervisors who commence supervision for the first time in California as of January 1, 2019.

Section Added: 16 CCR §1871; Change also proposed for LPCC and LMFT.

- 20. Supervisory Plan:** Current regulations require the supervisor and the supervisee to develop a “supervisory plan” that describes goal and objectives of supervision. The registrant is required to submit the signed plan when applying for licensure. The Committee has requested language requiring that the supervisor and supervisee collaborate to develop the goals and objectives. This form will be merged with the Supervision Agreement as discussed in item #21 below.

Section Affected: 16 CCR §1870; Change also proposed for LPCC and LMFT.

- 21. Supervision Agreement Form:** Currently, all supervisors must sign a “Supervisor Responsibility Statement” whereby the supervisor signs under penalty of perjury that he or she meets the requirements to become a supervisor, and understands his or her specific responsibilities as set forth in law.

The Committee has proposed that a “Supervision Agreement” would replace both the “Supervisor Responsibility Statement” and the “Supervisory Plan” forms. The “Supervision Agreement” would be completed by both the supervisor and supervisee, and signed under penalty of perjury. It would include information about the supervisor’s qualifications, an acknowledgement of supervisor and supervisee responsibilities, and a collaboratively

developed supervisory plan. The original would be retained by the supervisee and submitted to the Board upon application for licensure.

Sections Affected: 16 CCR §§ 1869(b),(c) and 1870(g); Change also proposed for LPCC and LMFT.

22. Weekly Log: A weekly log for the purposes of tracking supervised experience is not currently required for LCSW licensure, though it is required for LMFT and LPCC. This log is proposed to also be required for LCSW.

Section Affected: 16 CCR §1869(d); Change specific to LCSW only.

23. Experience Verification: Staff became aware that current regulations do not explicitly specify that supervisors must sign off on experience hours at the completion of supervision. The proposed regulations now clarify this requirement.

Section Affected: 16 CCR §1869(e); Change also proposed for LPCC and LMFT.

24. Supervisor Registration: The committee has proposed requiring all supervisors to register with the Board. Currently, the Board has no record of the licensees who are supervising associates until an applicant for licensure submits verification of supervised experience. The verifications are retained in applicant files.

Some of the benefits to registering supervisors are:

- Supervisees will have more assurance that his or her supervisor meets all requirements.
- Supervisors will have more awareness of (and better adherence to) requirements, which better protects the supervisee.
- Supervisors will be searchable online through Breeze.
- The Board will have the ability to target communications directly to supervisors.

The Committee attempted to create a framework that increases accountability without creating a significant impact on current or future supervisors.

The supervisor's registration with the Board would be initiated by submission of a "Supervisor Self-Assessment Report," signed under penalty of perjury. This report will provide the Board with the supervisor's specific qualifications, and will require the supervisor to acknowledge certain responsibilities set forth in law. For BBS licensees who qualify as a supervisor, a "supervisor" status will be added to the licensee's Breeze record.

Implementation of this framework would create a significant new workload that cannot be absorbed by existing staff. In addition, there would be a fiscal impact to the Board for new positions and Breeze changes.

The effective date of this requirement would be delayed to January 1, 2020 to allow time for the Breeze online system to be modified so that supervisors who are BBS licensees will be searchable. New supervisors would be required to submit the “Supervisor Self-Assessment Report” within 60 days of commencing any supervision. The deadline date for existing supervisors (those supervising prior to January 1, 2020) is proposed to be December 31, 2020.

This extended deadline for existing supervisors is necessary so that the workload for this new program is manageable. The California Association of Marriage and Family Therapist’s 2015 demographic survey indicates that about 30% of licensees are also clinical supervisors (a comparable survey of California LCSWs could not be located). The Board currently has nearly 65,000 licensees with an active, inactive or expired license. Staff is waiting on the breakdown of this number by license status, which will be provided at the meeting. Regardless of the breakdown, it is clear that thousands of applications will be submitted.

Sections Affected: 16 CCR §§ 1869(b) and 1870(g); Change also proposed for LPCC and LMFT.

25. Timelines for Supervisors: The proposed regulations establish timelines to complete specified activities as follows:

- The “Supervisor Self-Assessment Report” must be completed within 60 days of a new supervisor commencing any supervision. The effective date would be January 1, 2020. For existing supervisors, the report must be submitted by December 31, 2020.
- The “Supervision Agreement” must be completed within 60 days of commencing supervision with any individual supervisee.
- The 15 hour supervision training course must be completed by new supervisors within 2 years prior to commencing supervision (within 4 years if taken from a graduate program at an accredited or approved school), or within 60 days after commencing supervision.

Sections Affected: 16 CCR §§ 1869, 1870, 1871; Change also proposed for LPCC and LMFT.

26. Audits of Supervisors: A section has been added to allow the Board to audit a supervisor's records to verify they meet the supervisor qualifications specified in statute and regulations. It requires supervisors to maintain records of completion of the required supervisor qualifications for seven years after the completion of supervision, (consistent with statute regarding record retention) and to make these records available to the Board for an audit upon request.

The Board would likely audit a supervisor during a continuing education audit or if a complaint was received. The "Supervisor Self-Assessment Report" would be used in such audits.

Section Added: BPC §4996.21; Change also proposed for LPCC and LMFT.

ATTACHMENTS:

Attachment A: Proposed LCSW Supervision Language

Attachment B: Reference Sections – Current Law: BPC §§4996.18, 4996.23 and 4996.24; 16 CCR §§ 1870, 1871, 1874

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ATTACHMENT A

PROPOSED LCSW SUPERVISION LANGUAGE

- **Blue** strikeout/underline indicates text that has simply been moved from one location to another.
- **Red** or **Green** strikeout/underline indicates new language, which ranges from minor changes in wording to more significant changes.
 - Text shown in **Red** are amendments made by the Supervision Committee.
 - Text shown in **Green** are amendments made after the last Supervision Committee meeting, and include suggestions from DCA Legal.

§4992.3. UNPROFESSIONAL CONDUCT; EFFECT ON LICENSEE OR REGISTRANT

The board may deny a license or a registration, or may suspend or revoke the license or registration of a licensee or registrant if he or she has been guilty of unprofessional conduct. Unprofessional conduct includes, but is not limited to, the following:

(a) The conviction of a crime substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. The record of conviction shall be conclusive evidence only of the fact that the conviction occurred. The board may inquire into the circumstances surrounding the commission of the crime in order to fix the degree of discipline or to determine if the conviction is substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter. A plea or verdict of guilty or a conviction following a plea of nolo contendere made to a charge substantially related to the qualifications, functions, or duties of a licensee or registrant under this chapter is a conviction within the meaning of this section. The board may order any license or registration suspended or revoked, or may decline to issue a license or registration when the time for appeal has elapsed, or the judgment of conviction has been affirmed on appeal, or, when an order granting probation is made suspending the imposition of sentence, irrespective of a subsequent order under Section 1203.4 of the Penal Code allowing the person to withdraw a plea of guilty and enter a plea of not guilty, or setting aside the verdict of guilty, or dismissing the accusation, information, or indictment.

(b) Securing a license or registration by fraud, deceit, or misrepresentation on any application for licensure or registration submitted to the board, whether engaged in by an applicant for a license or registration, or by a licensee in support of any application for licensure or registration.

(c) Administering to himself or herself any controlled substance or using any of the dangerous drugs specified in Section 4022 or any alcoholic beverage to the extent, or in a manner, as to be dangerous or injurious to the person applying for a registration or license or holding a registration or license under this chapter, or to any other person, or to the public, or, to the extent that the use impairs the ability of the person applying for or holding a registration or license to conduct with safety to the public the practice authorized by the registration or license. The board shall deny an application for a

registration or license or revoke the license or registration of any person who uses or offers to use drugs in the course of performing clinical social work. This provision does not apply to any person also licensed as a physician and surgeon under Chapter 5 (commencing with Section 2000) or the Osteopathic Act who lawfully prescribes drugs to a patient under his or her care.

(d) Incompetence in the performance of clinical social work.

(e) An act or omission that falls sufficiently below the standard of conduct of the profession as to constitute an act of gross negligence.

(f) Violating, attempting to violate, or conspiring to violate this chapter or any regulation adopted by the board.

(g) Misrepresentation as to the type or status of a license or registration held by the person, or otherwise misrepresenting or permitting misrepresentation of his or her education, professional qualifications, or professional affiliations to any person or entity. For purposes of this subdivision, this misrepresentation includes, but is not limited to, misrepresentation of the person's qualifications as an adoption service provider pursuant to Section 8502 of the Family Code.

(h) Impersonation of another by any licensee, registrant, or applicant for a license or registration, or, in the case of a licensee, allowing any other person to use his or her license or registration.

(i) Aiding or abetting, or employing, directly or indirectly, any unlicensed or unregistered person to engage in conduct for which a license or registration is required under this chapter.

(j) Intentionally or recklessly causing physical or emotional harm to any client.

(k) The commission of any dishonest, corrupt, or fraudulent act substantially related to the qualifications, functions, or duties of a licensee or registrant.

(l) Engaging in sexual relations with a client or with a former client within two years from the termination date of therapy with the client, soliciting sexual relations with a client, or committing an act of sexual abuse, or sexual misconduct with a client, or committing an act punishable as a sexually related crime, if that act or solicitation is substantially related to the qualifications, functions, or duties of a clinical social worker.

(m) Performing, or holding ~~one's one~~self out as being able to perform, or offering to perform or permitting, any registered associate clinical social worker, trainee, or intern registrant or applicant under supervision to perform any professional services beyond the scope of the license authorized by this chapter. one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(n) Failure to maintain confidentiality, except as otherwise required or permitted by law, of all information that has been received from a client in confidence during the course of treatment and all information about the client that is obtained from tests or other means.

(o) Prior to the commencement of treatment, failing to disclose to the client or prospective client the fee to be charged for the professional services, or the basis upon which that fee will be computed.

(p) Paying, accepting, or soliciting any consideration, compensation, or remuneration, whether monetary or otherwise, for the referral of professional clients. All consideration, compensation, or remuneration shall be in relation to professional counseling services actually provided by the licensee. Nothing in this subdivision shall prevent collaboration among two or more licensees in a case or cases. However, no fee shall be charged for that collaboration, except when disclosure of the fee has been made in compliance with subdivision (o).

(q) Advertising in a manner that is false, fraudulent, misleading, or deceptive, as defined in Section 651.

(r) Reproduction or description in public, or in any publication subject to general public distribution, of any psychological test or other assessment device, the value of which depends in whole or in part on the naivete of the subject, in ways that might invalidate the test or device. A licensee shall limit access to that test or device to persons with professional interest who are expected to safeguard its use.

~~(s) Any conduct in the supervision of any registered associate clinical social worker, intern, or trainee by any licensee that violates this chapter or any rules or regulations adopted by the board.~~

(s) Performing or holding oneself out as being able to perform professional services beyond the scope of one's competence, as established by one's education, training, or experience. This subdivision shall not be construed to expand the scope of the license authorized by this chapter.

(t) Permitting an applicant, trainee or registrant under one's supervision or control to perform, or permitting the supervisee to hold himself or herself out as competent to perform, professional services beyond the supervisee's level of education, training or experience.

(~~tu~~) Failure to keep records consistent with sound clinical judgment, the standards of the profession, and the nature of the services being rendered.

(~~tv~~) Failure to comply with the child abuse reporting requirements of Section 11166 of the Penal Code.

(~~vw~~) Failure to comply with the elder and dependent adult abuse reporting requirements of Section 15630 of the Welfare and Institutions Code.

(~~wx~~) Willful violation of Chapter 1 (commencing with Section 123100) of Part 1 of Division 106 of the Health and Safety Code.

(~~xy~~) Failure to comply with Section 2290.5.

(~~yz~~) (1) Engaging in an act described in Section 261, 286, 288a, or 289 of the Penal Code with a minor or an act described in Section 288 or 288.5 of the Penal Code

regardless of whether the act occurred prior to or after the time the registration or license was issued by the board. An act described in this subdivision occurring prior to the effective date of this subdivision shall constitute unprofessional conduct and shall subject the licensee to refusal, suspension, or revocation of a license under this section.

(2) The Legislature hereby finds and declares that protection of the public, and in particular minors, from sexual misconduct by a licensee is a compelling governmental interest, and that the ability to suspend or revoke a license for sexual conduct with a minor occurring prior to the effective date of this section is equally important to protecting the public as is the ability to refuse a license for sexual conduct with a minor occurring prior to the effective date of this section.

([zaa](#)) Engaging in any conduct that subverts or attempts to subvert any licensing examination or the administration of the examination as described in Section 123.

§4996.17. ACCEPTANCE OF EDUCATION AND EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

(a) (1) Experience gained outside of California shall be accepted toward the licensure requirements if it is substantially the equivalent of the requirements of this chapter.

(2) Commencing January 1, 2014, an applicant with education gained outside of California shall complete an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(b) The board may issue a license to any person who, at the time of application, holds a valid active clinical social work license issued by a board of clinical social work examiners or corresponding authority of any state, if the person passes, or has passed, the licensing examinations as specified in Section 4996.1 and pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) The applicant has supervised experience that is substantially the equivalent of that required by this chapter. If the applicant has less than ~~3,200~~ 3,000 hours of qualifying supervised experience, time actively licensed as a clinical social worker shall be accepted at a rate of 100 hours per month up to a maximum of 1,200 hours.

(2) Completion of the following coursework or training in or out of this state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(3) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(4) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant shall provide a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(c) The board may issue a license to any person who, at the time of application, holds a valid, active clinical social work license issued by a board of clinical social work examiners or a corresponding authority of any state, if the person has held that license for at least four years immediately preceding the date of application, the person passes, or has passed, the licensing examinations as specified in Section 4996.1, and the person pays the required fees. Issuance of the license is conditioned upon all of the following:

(1) Completion of the following coursework or training in or out of state:

(A) A minimum of seven contact hours of training or coursework in child abuse assessment and reporting as specified in Section 28, and any regulations promulgated thereunder.

(B) A minimum of 10 contact hours of training or coursework in human sexuality as specified in Section 25, and any regulations promulgated thereunder.

(C) A minimum of 15 contact hours of training or coursework in alcoholism and other chemical substance dependency, as specified by regulation.

(D) A minimum of 15 contact hours of coursework or training in spousal or partner abuse assessment, detection, and intervention strategies.

(2) Commencing January 1, 2014, completion of an 18-hour course in California law and professional ethics. The content of the course shall include, but not be limited to, the following: advertising, scope of practice, scope of competence, treatment of minors, confidentiality, dangerous patients, psychotherapist-patient privilege, recordkeeping, patient access to records, state and federal laws related to confidentiality of patient health information, dual relationships, child abuse, elder and dependent adult abuse, online therapy, insurance reimbursement, civil liability, disciplinary actions and unprofessional conduct, ethics complaints and ethical standards, termination of therapy, standards of care, relevant family law, therapist disclosures to patients, differences in legal and ethical standards in different types of work settings, and licensing law and process.

(3) The applicant has been licensed as a clinical social worker continuously for a minimum of four years prior to the date of application.

(4) The applicant's license is not suspended, revoked, restricted, sanctioned, or voluntarily surrendered in any state.

(5) The applicant is not currently under investigation in any other state, and has not been charged with an offense for any act substantially related to the practice of social work by any public agency, entered into any consent agreement or been subject to an administrative decision that contains conditions placed by an agency upon an applicant's professional conduct or practice, including any voluntary surrender of license, or been the subject of an adverse judgment resulting from the practice of social work that the board determines constitutes evidence of a pattern of incompetence or negligence.

(6) The applicant provides a certification from each state where he or she holds a license pertaining to licensure, disciplinary action, and complaints pending.

(7) The applicant is not subject to denial of licensure under Section 480, 4992.3, 4992.35, or 4992.36.

(d) Commencing January 1, 2016, an applicant who obtained his or her license or registration under another jurisdiction may apply for licensure with the board without taking the clinical examination specified in Section 4996.1 if the applicant obtained a passing score on the licensing examination set forth in regulation as accepted by the board.

**§4996.18. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION
EMPLOYMENT; SUPERVISION; CREDIT**

(a) A person who wishes to be credited with experience toward licensure requirements shall register with the board as an associate clinical social worker prior to obtaining that experience. The application shall be made on a form prescribed by the board.

(b) An applicant for registration shall satisfy the following requirements:

(1) Possess a master's degree from an accredited school or department of social work.

(2) Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.

(3) Commencing January 1, 2014, have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers, including instruction in all of the following areas of study:

(A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.

(C) The current legal patterns and trends in the mental health professions.

(D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and his or her professional behavior and ethics.

(F) Differences in legal and ethical standards for different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible to take the clinical examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

~~(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.~~

~~(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.~~

~~(fd)~~ An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

~~(ge)~~ An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

~~(h) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.~~

~~(f) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.~~

~~(ig)~~ All **applicants and** registrants shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

§4996.20. ASSOCIATE CLINICAL SOCIAL WORKER; ACCEPTABLE SUPERVISORS AND SUPERVISION DEFINITION

~~(a) "Supervisor," as used in this chapter, means an individual who meets the requirements set forth in this chapter and in regulation. The requirements include the following: For purposes of Section 4996.23(a), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license~~

~~(1) Has been actively licensed in California or has held an active equivalent license in any other state, as a licensed professional clinical counselor, licensed marriage~~

and family therapist, licensed clinical psychologist, licensed clinical social worker, or licensed physician and surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology, for at least two of the past five years immediately prior to commencing any supervision.

(2) Has practiced psychotherapy or provided direct clinical supervision of associate clinical social workers, associate marriage and family therapists or trainees, or associate professional clinical counselors, who perform psychotherapy, for at least two (2) years within the five (5) year period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program who perform psychotherapy, or PCC trainees who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.

(23) Has received professional training in supervision, as specified in this chapter and by regulation.

(34) Has not provided therapeutic services to the supervisee.

(45) Has and maintains a current and active California license that is not under suspension or probation.

(56) Complies with supervision requirements established by this chapter and by board regulations.

(b) "Supervision" means responsibility for, and control of, the quality of services being provided by the supervisee. Consultation or peer discussion shall not be considered supervision and shall not qualify as supervised experience. Supervision includes, but is not limited to, the following:

(1) Ensuring that the extent, kind and quality of clinical social work performed by the ~~associate supervisee~~ is consistent with the ~~education~~, training and experience of the person being supervised.

(2) ~~Review client or patient records, m~~Monitoring and evaluating the supervisee's assessment, diagnosis and treatment decisions ~~of the associate clinical social worker~~ and providing regular feedback.

(3) Monitoring and evaluating the ~~supervisee's~~ ability to provide services to the particular clientele being served at the site or sites where he or she will be practicing.

(4) Monitoring for and ~~addressing any countertransference, intrapsychic, or interpersonal issues that may affect the supervisory or the practitioner-patient relationship.~~

(5) Ensuring the ~~supervisee's~~ compliance with all laws and regulations governing the practice of clinical social work.

(6) Reviewing the supervisee's progress notes, process notes and other patient treatment records, as deemed appropriate by the supervisor.

(7) With the client's written consent, providing direct observation or review of audio or video recordings of the supervisee's counseling or therapy, as deemed appropriate by the supervisor.

§4996.21 AUDITS OF SUPERVISORS

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications specified by this chapter and by regulation. Supervisors shall maintain records of completion of the required supervisor qualifications for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

§4996.23. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA ~~EFFECTIVE~~ JANUARY 1, 2002

(a) To qualify for licensure as specified in Section 4996.2, each applicant shall complete ~~3,200~~ 3,000 hours of post-master's degree supervised experience related to the practice of clinical social work under a supervisor who meets the qualifications set forth in Section 4996.20. Experience shall not be gained until the applicant is actively registered as an associate clinical social worker. The experience shall comply with the following:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of ~~a licensed mental health professional acceptable to the board as defined by a regulation adopted by the board~~ a supervisor holding any of the license types listed as acceptable in this chapter.

(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or counseling.

(3) A maximum of ~~4,200~~ 1,000 hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

(4) Of the 2,000 clinical hours required in paragraph (2), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.

(5) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.

(6) Experience shall not be credited for more than 40 hours in any week.

(7) No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(b) An individual who submits an application for examination-eligibility licensure between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements of this section that were in place on January 1, 2015.

~~(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.~~

~~(d) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.~~

~~(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.~~

~~(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.~~

~~(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).~~

~~(5c) The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.~~

~~(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.~~

~~(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.~~

~~(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.~~

~~(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment~~

~~of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The associate shall submit to the board the initial original supervisory plan upon application for licensure.~~

~~(f) Experience shall only be gained in a setting that meets both of the following:~~

~~(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.~~

~~(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.~~

~~(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.~~

~~(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.~~

~~(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.~~

~~(j) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.~~

~~(k) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.~~

~~(l) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.~~

~~(m) An associate shall not do the following:~~

~~(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.~~

~~(2) Have any proprietary interest in the employer's business.~~

~~(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.~~

~~(n) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.~~

~~(o) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.~~

4996.23.1 DIRECT SUPERVISOR CONTACT

(a) "One hour of direct supervisor contact" means any of the following:

(1) Individual supervision, defined as one hour of face-to-face contact between one supervisor and one supervisee.

(2) Triadic supervision, defined as one hour of face-to-face contact between one supervisor and two supervisees.

(3) Group supervision, defined as two hours of face-to-face contact between one supervisor and no more than eight supervisees. Segments of group supervision may be split into no less than one continuous hour.

(b) Except for experience gained by attending workshops, seminars, training sessions or conferences as described in paragraph (3) of subdivision (a) of section 4996.23, supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. An associate clinical social worker gaining experience shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting.

(c) Direct supervisor contact shall occur within the same week as the hours claimed.

(d) Of the 104 weeks of required supervision, 52 weeks shall be individual and/or triadic supervision.

(e) Of the 52 weeks of required individual or triadic supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(f) When conducting group supervision, the supervisor shall ensure that the amount and degree of supervision is appropriate to each supervisee's needs.

(g) Notwithstanding subsection (a), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved compliance with state and federal laws relating to confidentiality of patient health information.

(h) Notwithstanding any other provision of law, once the required number of experience hours are gained, associate clinical social workers and applicants for licensure for examination who have finished gaining experience hours toward licensure shall receive a minimum of one hour of supervision direct supervisor contact per week for each setting in which he or she is working face to face psychotherapy direct clinical counseling is performed. Once the required number of experience hours are gained, further supervision is not required for nonclinical practice as defined in section 4996.23(a)(3) is at the supervisor's discretion.

~~§4996.24. SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS~~

~~(a) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.~~

~~(b) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations.~~

~~(c) In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.~~

§4996.23.2. ASSOCIATE CLINICAL SOCIAL WORKER: ACCEPTABLE SETTINGS; ACCEPTABLE SUPERVISION PRACTICES

(a) Associate clinical social workers and applicants for licensure shall only perform services as an employee or as a volunteer. The requirements of this chapter regarding gaining hours of experience and supervision are applicable equally to employees and volunteers. Experience shall not be gained. No associate or applicant for licensure shall perform any services or gain any experience within the scope of practice for the profession, as defined in Section 4996.9, as an independent contractor.

(1) If employed, the associate shall provide the board with copies of the corresponding W-2 tax forms for each year of experience claimed upon application for licensure.

(2) If volunteering, the associate shall provide the board with a letter from his or her employer verifying the associate's status as a volunteer during the dates the experience was gained. This letter shall be provided to the board upon application for licensure.

(b) Employment in a private practice shall not commence until the applicant has been registered as an associate clinical social worker.

(c) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

(d) While an associate **clinical social worker** may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration.

~~(e) Experience may be gained by the associate solely as part of the position for which the associate volunteers or is employed.~~ Only experience gained in the position for which the associate **clinical social worker** either volunteers or is employed shall qualify as supervised experience.

(f) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(g) An associate **or applicant for licensure** shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

~~(h) Associate **clinical social workers** and applicants for licensure who provide voluntary services in any lawful work setting other than a private practice who only receive reimbursement for expenses actually incurred by the associate or applicant, shall be considered an employee and not an independent contractor. The board may audit applicants for licensure who receive reimbursement for expenses, and the applicants shall have the burden of demonstrating that the payments received were for reimbursement of expenses actually incurred.~~

(i) Associates and applicants for licensure who received a stipend or educational loan repayment from a program designed to encourage demographically underrepresented groups to enter the profession, or to improve recruitment and retention in underserved regions or settings, shall be considered an employee and not an independent contractor. The board may audit applicants who receive a stipend or student loan repayment, and the applicants shall have the burden of demonstrating that the payments received were for the specified purposes.

4996.23.3 OVERSIGHT OF SUPERVISEES; MAXIMUM NUMBER OF REGISTRANTS

(a) Associate clinical social workers and applicants for licensure shall only perform services at the place where their employer regularly conducts business and services, which may include other locations, as long as the services are performed under the direction and control of the employer and their supervisor, and in compliance with the statutes and regulations pertaining to supervision.

(b) Except for periods of time during a supervisor's vacation or sick leave, an associate clinical social worker who is employed or volunteering in private practice shall be under the direct supervision of a supervisor who is either employed by and practices at the same site as the associate's employer, or is an owner or shareholder of the private practice.

(c) A licensed professional in private practice who has satisfied the supervisor qualifications required by section 4996.20(a), may supervise or employ, at any one time, no more than a total of three individuals registered as either an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker in that private practice.

(d) The following limits shall apply to licensed clinical social workers' corporations:

- (1) A licensed clinical social workers' corporation may ~~employ~~ retain, at any one time, no more than a total of three individuals employees and volunteers registered as either an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker for each employee or shareholder who has satisfied the supervisor qualifications required by section 4996.20(a).
- (2) In no event shall any licensed clinical social workers' corporation ~~employ~~ retain, at any one time, more than a total of 15 individuals-employees and volunteers registered as either an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker.
- (3) In no event shall any supervisor supervise, at any one time, more than a total of three individuals-employees and volunteers registered as either an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker. Persons who supervise individuals-employees and volunteers registered as an associate marriage and family therapist, associate professional clinical counselor, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation.
- (4) Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

(e) In a setting that is not a private practice, a written agreement, as specified in

regulation, must be executed between the ~~associate's or applicant's~~ supervisor and employer when the supervisor is not employed by the supervisee's employer or is a volunteer.

(f) In any setting that is not a private practice, a supervisor shall evaluate the site(s) where an associate ~~clinical social worker~~ will be gaining hours of experience toward licensure and shall determine that:

(1) The site provides experience which is within the scope of practice of a clinical social worker.

(2) The experience is in compliance with the requirements set forth in this chapter and in regulation.

(g) Alternative supervision ~~for an associate or applicant~~ may be arranged during a supervisor's vacation or sick leave if the supervision meets the requirements set forth in this chapter and in regulation.

§1869. SUPERVISED EXPERIENCE: REQUIRED DOCUMENTATION

(a) Pursuant to section 4996.23.3 of the Business and Professions Code, in a setting which is not a private practice, a written agreement ~~must~~shall be executed ~~between the supervisor and the employer~~ when the supervisor is not employed by the ~~associate's or applicant's~~ supervisee's employer or is a volunteer.

1) The written agreement shall be executed prior to the commencement of supervision.

2) The written ~~This~~ agreement ~~must~~shall contain a declaration from the supervisor agreeing to ensure that the extent, kind, and quality of counseling performed by the supervisee is consistent with the supervisee's training, education, and experience, and is appropriate in extent, kind, and quality.

3) The agreement shall contain an acknowledgment by the employer that the employer:

(i) Is aware of the licensing requirements that must be met by the supervisee and that the employer agrees not to interfere with the supervisor's legal and ethical obligations to ensure compliance with those requirements;

(ii) Agrees to provide the supervisor access to clinical records of the clients counseled by the supervisee; and

(iii) Is aware that the supervisor will need to provide clinical direction to the supervisee in order to ensure compliance with the standards of practice of the profession.

~~(b) Prior to the commencement of any counseling or supervision, a supervisor shall sign under penalty of perjury the “Responsibility Statement for Supervisors of an Associate Clinical Social Worker” (revised 3/10, form #1800-37A-522) hereby incorporated by reference.~~

(b) Effective January 1, 2020, supervisors shall complete and submit a self-assessment report of qualifications to be a supervisor, as specified in section 1870.

~~(c) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874, (form no. 1800-37A-521, revised 3/10), hereby incorporated by reference. This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.~~

(c) (1) Within 60 days of the commencement of any supervision, the supervisor and supervisee shall sign a supervision agreement under penalty of perjury. The original signed supervisory agreement shall be retained by the supervisee and submitted to the Board with the supervisee’s application for licensure.

(2) A supervisor and a supervisee who are in a supervisory relationship that existed prior to the effective date of this regulation are not required to complete a supervision agreement. The supervisee shall instead submit the previously required signed forms with his or her application for licensure.

(3) The supervision agreement shall include all of the following:

(A) The supervisor’s qualifications to be a supervisor as specified in section 1870, and in section 4996.20 of the Code.

~~(B) An affirmation by the supervisor of his or her~~The supervisor states that he or she understands~~ing of the requirements pertaining to registration of the supervisee, work settings and employment, supervision practices and oversight of supervisees as specified in sections 4996.18, 4996.23.2 and 4996.23.3 of the Code.~~

~~(C) An affirmation by the supervisor of his or her~~The supervisor states that he or she understands~~ing of the requirements pertaining to direct supervisor contact as specified in section 4996.23.1 of the Code.~~

~~(D) An affirmation by the supervisor of his or her~~The supervisor states that he or she understands~~ing of the supervision documentation required by section 1869 and the Board’s right to audit a supervisor’s compliance with the requirements specified in this article and in the Code.~~

~~(E) An affirmation by the supervisee of his or her~~The supervisee states that he or she understands~~ing all of the following:~~

(i) Requirements pertaining to registration as an associate as specified in section 4996.18 of the Code.

~~(ii) The requirement that a~~The supervisee’s supervisor must hold a current

and active California license while supervising in order for hours to count toward licensure as specified in section 1870.

(iii) Requirements pertaining to documentation of completed supervised experience as specified in this section.

(iv) Prohibited practices pertaining to employment and supervisory relationships as specified in section 4996.23.2 of the Code.

(v) The six-year limit pertaining to experience hours as specified in section 4996.23 of the Code.

(F) A supervisory plan that describes the goals and objectives of supervision, and whereby the supervisor affirms his or her understanding of the responsibilities pertaining to monitoring and evaluating the supervisee as specified in section 1870, and in section 4996.20 of the Code.

(d) The associate shall maintain a log of all hours of experience gained toward licensure. The log shall be signed by the supervisor on a weekly basis. An associate shall retain all logs until such time as the associate is licensed by the board. The board shall have the right to require an associate to submit all or such portions of the log as it deems necessary to verify hours of experience. The log shall include all of the following:

(1) The name and address of the supervisee's work setting

(2) ~~A breakdown~~ Hours of the experience hours gained by category in a given week.

(3) Total hours gained per week and in each category overall.

(e) Completed hours of experience shall be documented at the completion or termination of supervision. Such documentation shall be submitted by the supervisee upon application for licensure and shall include all of the following:

(1) The supervisor's telephone number and license information.

(2) The supervisee's employer's name, address and telephone number.

(3) ~~Information about~~ Whether the supervisee's work setting complies with section 4996.23.2 of the Code

(4) Documentation of employment or volunteer status, as specified in section 4996.23.2 of the Code.

(5) The applicant's accumulated hours of experience broken down by category.

(6) The amount and type of supervision provided to the applicant.

(7) The dates during which the experience was gained.

(8) The supervisor's signature under penalty of perjury.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.20, 4996.23, 4996.23.1 and 4996.23.2, Business and Professions Code.

§1870. REQUIREMENTS FOR ~~ASSOCIATE CLINICAL SOCIAL WORKER~~ SUPERVISORS

(a) Any person supervising an associate clinical social worker registered with the board (hereinafter called "supervisor") within California shall comply with the requirements set forth below.

~~(a) Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800-37A-522) hereby incorporated by reference, which requires that:~~

~~(1) The supervisor possesses and will maintains a current valid and active California license that is not under suspension or probation as a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in Section ~~1874~~ 4996.20 of the Code and has been so licensed in California or in any other state for a total of at least two (2) of the past five (5) years immediately prior to commencing any supervision.~~

~~(2) The supervisor has been so licensed in California or in any other state for a total of at least two (2) years prior to commencing any supervision.~~

~~(2) A supervisor who is not licensed as a clinical social worker shall have sufficient experience, training and education in clinical social work to competently practice clinical social work in California.~~

~~(3) The supervisor shall be competent in the areas of clinical practice and techniques being supervised, and shall keep himself or herself informed of developments in clinical social work and in California law governing the practice of clinical social work.~~

~~(34) The supervisor has and will maintains a current and active California license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to practice or supervise.~~

~~(45) The supervisor has practiced psychotherapy or provided direct clinical supervision of associates clinical social workers, or associate marriage and family therapists interns or marriage and family therapist trainees, or associate professional clinical counselors who perform psychotherapy, for at least two (2) years within the ~~last five (5) years~~ period immediately preceding any supervision. Supervision of social work students enrolled in an accredited master's or doctoral program who perform psychotherapy, or PCC trainees who perform psychotherapy, shall be accepted toward the required two (2) years if the supervision provided to the student is substantially equivalent to the supervision required for registrants.~~

~~(56) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates. Persons licensed by the~~

board who provide supervision shall complete the minimum supervision training or coursework specified in Section 1871.

~~(A) Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code. The content of such training shall include, but not be limited to:~~

~~(i) Familiarity with supervision literature through reading assignments specified by course instructors;~~

~~(ii) Facilitation of therapist-client and supervisor-therapist relationships;~~

~~(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;~~

~~(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem-solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;~~

~~(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and~~

~~(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.~~

~~(67)~~ The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

~~(78)~~ The supervisor shall ~~do all of the following:~~

~~(A) Ensure~~ ensure that the extent, kind and quality of clinical social work performed by the associate-supervisee is consistent with the education, training and experience of the person being supervised.

~~(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.~~

~~(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.~~

~~(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.~~

~~(8) The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.~~

~~(9) The supervisor shall provide the associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800-37A-522), prior to commencement of any supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.~~

~~(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subsection (a)(4)(A).~~

(b) The supervisor shall monitor and evaluate the supervisee's extent, kind, and quality of counseling performed by the supervisee by review of progress notes, process notes, and other treatment records, and also by that amount of direct observation, or review of audio or video recordings of therapy, with the client's written consent, as deemed appropriate by the supervisor.

(c) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate clinical social worker. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor. The supervisor shall provide the associate clinical social worker with a copy of all assessments.

(d) The supervisor shall establish and communicate to the associate or applicant procedures for contacting the supervisor, or, in the supervisor's absence, alternative on-call supervisors to assist in handling crises and emergencies. establish written procedures for associate clinical social workers to contact the supervisor, or, in the supervisor's absence, procedures for contacting an alternative on-call supervisor to assist associate clinical social workers in handling crises and emergencies. The supervisor shall provide these procedures to the associate clinical social worker.

(a10e) A supervisor shall give at least one (1) week's written notice to an associate clinical social worker of the supervisor's intent not to sign for any further hours of experience for such person. A supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

~~(a11) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.~~

(f) The supervisor shall obtain from each associate clinical social worker or applicant for licensure for whom supervision will be provided, the name, address, and telephone

number of the associate clinical social worker's or applicant for licensures's most recent supervisor and employer.

(g) Effective January 1, 2020, a supervisor shall complete and sign under penalty of perjury a self-assessment report which includes all of the following:

(1) ~~The supervisor's license information and status.~~ The supervisor's qualifications to be a supervisor as specified in section 4996.20 of the Code.

~~(2) The supervisor's qualifications to supervise.~~

(2) The supervisor's telephone number and email address.

(3) The date the licensee began supervising.

(4) The supervisor's compliance with the training required by section 1834.

(5) ~~The supervisor's affirmation states that he or she understands the requirements set forth in sections 4996.23.3(c) and (d) of the Code, and in sections 1870, 1871 and 1872~~ all of the following.

(A) The supervisor's license must meet the requirements in section 4996.20 of the Code, for a supervisee's experience hours to be credited.

(B) The supervisee notification requirement set forth in paragraph (a)(4) of this section.

(C) The requirements set forth in section 4996.23.3 of the Code pertaining to the maximum number of registrants.

(D) The Board's right to audit records pertaining to supervisor qualifications in accordance with section 4996.21 of the Code.

(E) The requirement to complete a supervision agreement for each supervisee as specified in section 1869.

(h) New supervisors shall submit a self-assessment report to the Board within 60 days of the commencement of any supervision.

(i) Pre-existing supervisors, defined as individuals acting as a supervisor prior to January 1, 2020, shall submit a self-assessment report to the Board by December 31, 2020.

(a12j) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

Note: Authority cited: Section ~~4980.60~~ and 4990.20, Business and Professions Code.
Reference: Sections ~~4980.54, 4996.22~~ and 4996.20, 4996.23, 4996.23.2, and 4996.23.3, Business and Professions Code.

§1870.1. SUPERVISORY PLAN

~~(a) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874 who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800 37A-521, revised 3/10), hereby incorporated by reference.~~

~~(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.~~

~~Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.18 and 4996.23, Business and Professions Code.~~

§1870.1 SUBSTITUTE SUPERVISORS

(a) When it becomes necessary for a supervisee to obtain supervision temporarily from a substitute supervisor, the substitute supervisor shall meet all supervisor qualifications required by the Code and in this article.

(b) The substitute supervisor and the supervisee shall sign the supervision agreement required by section 1869, and the supervisor shall sign the weekly log specified in section 1869.

(c) If the substitute supervisor will be supervising for 30 consecutive calendar days or less:

1) A new supervisory plan is not required. The substitute supervisor shall follow the supervisee's pre-existing supervisory plan.

2) The experience gained during that 30-day period may be verified by the regular supervisor.

(d) If the substitute supervisor will be supervising for more than 30 consecutive calendar days, a new supervisory plan shall be required, and the substitute supervisor shall verify the supervisee's experience gained during that time as required by section 1869.

NOTE: Authority cited: Sections 4990.20 Business and Professions Code. Reference: Sections 4996.20, 4996.23, and 4996.23.3, Business and Professions Code.

§1870.5. SUPERVISION OF EXPERIENCE GAINED OUTSIDE OF CALIFORNIA

Experience gained outside of California must have been supervised in accordance with the following criteria:

At the time of supervision, the supervisor was licensed or certified by the state or jurisdiction in which the supervision occurred, and possessed a current and active license which was not under suspension or probation. The supervisor was licensed or certified by that state or jurisdiction for at least two (2) of the past five (5) years immediately prior to acting as a supervisor, as either a psychologist, clinical social worker, licensed physician certified in psychiatry by the American Board of Psychiatry and Neurology, professional clinical counselor, marriage and family therapist or similarly titled marriage and family practitioner, or equivalently licensed mental health counselor.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.17, 4996.20, Business and Professions Code.

§1871 SUPERVISOR TRAINING AND COURSEWORK

Persons licensed by the board who provide supervision shall complete, at a minimum, supervision training or coursework as follows:

(a) Beginning January 1, 2019, supervisors who commence supervision for the first time in California shall obtain fifteen (15) contact hours in supervision training or coursework obtained from a government agency or from a continuing education provider specified as acceptable by the Board in regulation. If taken from a continuing education provider specified as acceptable by the Board in regulation, training may apply towards the approved continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code.

(1) The content of such training shall include, but not be limited to, current best practices and current standards regarding the following:

- (A) Competencies necessary for new supervisors;
- (B) Goal setting and evaluation;
- (C) The supervisor-supervisee relationship;
- (D) California law and ethics, including legal and ethical issues related to supervision;
- (E) Cultural variables, including, but not limited to, race, gender, social class, and religious beliefs;
- (F) Contextual variables, such as treatment modality, work settings, and use of technology;
- (G) Supervision theories and literature; and
- (H) Documentation and record keeping of the supervisee's client files, as well as supervision.

(2) If taken from a government agency or a continuing education provider, this course shall have been taken within 2 years prior to commencing supervision, or within 60 days after commencing supervision.

(3) If taken at a master's or higher level from an accredited or approved postsecondary institution, this course shall have been taken within 4 years prior to commencing supervision, or completed within 60 days after commencing supervision.

(b) A six (6) hour supervision training course shall be taken by an individual who has previously qualified as a supervisor, but has not supervised for at least 2 years within the 5 year period immediately preceding any supervision.

(c) Supervisors shall complete a minimum of six (6) hours of continuing professional development in supervision in each subsequent renewal period while providing supervision. This shall consist of one or more of the following activities and shall be documented:

- 1) Training or coursework directly covering the topic of supervision, obtained from a government agency or from a continuing education provider specified as acceptable by the board in regulation. If taken from a continuing education provider specified as acceptable by the board in regulation, it may apply towards the continuing education requirements set forth in Sections 4980.54, 4996.22, and 4999.76 of the Code;
- 2) Teaching a supervision course as specified in subparagraph (1).
- 3) Authoring research ~~pertaining to~~ directly focused on supervision that has been published professionally. This may include, but is not limited to, quantitative or qualitative research, literature reviews, peer reviewed journals or books, monographs, newsletters, or other published work deemed equivalent by the board. It shall not include personal opinion papers, editorials, or blogs.
- ~~4) Receiving mentoring of supervision or supervision of supervision from another board licensee who also qualifies as a supervisor. Collaboration with another board licensee who also qualifies as a supervisor through use of mentoring or consultation.~~
- 5) Documented Attendance at supervisor peer discussion groups with other board licensees who also qualify as supervisors.

(d)(1) In lieu of subparagraphs (a), (b), and (c), the Board shall accept a valid and active approved supervisor certification from one of the following entities:

- (A) The American Association for Marriage and Family Therapy (AAMFT)
- (B) The American Board of Examiners in Clinical Social Work (ABECSW)
- (C) The California Association of Marriage and Family Therapists (CAMFT)
- (D) The Center for Credentialing and Education (CCE)

(2) These licensees shall maintain a current and active California license, but are not required to have been actively licensed for at least two of the past five years

immediately preceding any supervision, and are not required to have practiced psychotherapy or provided direct supervision of trainees or registrants for at least two of the past five years immediately preceding any supervision.

(3) The board may, in its sole discretion, accept an approved supervisor certification from another entity if the licensee can demonstrate that the certification requirements of that entity meet or exceed those of the above entities.

(e) The board shall not deny hours of experience gained towards licensure by any associate due to failure of his or her supervisor to complete the training, coursework, or continuing professional development requirements in this section.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.20, Business and Professions Code.

§1872. DOCUMENTATION OF SUPERVISOR QUALIFICATIONS: AUDITS

The board shall have the right to audit the records of any supervisor to verify the completion of the supervisor qualifications. Supervisors shall maintain records of completion of the required supervisor qualifications specified in this article for a period of seven (7) years after termination of supervision, and shall make these records available to the board for auditing purposes upon request.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.20, Business and Professions Code.

§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS

For purposes of Section 4996.23 (a), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license as a psychologist, marriage and family therapist, licensed professional clinical counselor or physician certified in psychiatry by the American Board of Psychiatry and Neurology.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.23, Business and Professions Code.

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ATTACHMENT B

LCSW EXISTING LAW FOR REFERENCE

§4996.18. ASSOCIATE CLINICAL SOCIAL WORKER; REGISTRATION; EMPLOYMENT; SUPERVISION; CREDIT

(a) A person who wishes to be credited with experience toward licensure requirements shall register with the board as an associate clinical social worker prior to obtaining that experience. The application shall be made on a form prescribed by the board.

(b) An applicant for registration shall satisfy the following requirements:

(1) Possess a master's degree from an accredited school or department of social work.

(2) Have committed no crimes or acts constituting grounds for denial of licensure under Section 480.

(3) Commencing January 1, 2014, have completed training or coursework, which may be embedded within more than one course, in California law and professional ethics for clinical social workers, including instruction in all of the following areas of study:

(A) Contemporary professional ethics and statutes, regulations, and court decisions that delineate the scope of practice of clinical social work.

(B) The therapeutic, clinical, and practical considerations involved in the legal and ethical practice of clinical social work, including, but not limited to, family law.

(C) The current legal patterns and trends in the mental health professions.

(D) The psychotherapist-patient privilege, confidentiality, dangerous patients, and the treatment of minors with and without parental consent.

(E) A recognition and exploration of the relationship between a practitioner's sense of self and human values, and his or her professional behavior and ethics.

(F) Differences in legal and ethical standards for different types of work settings.

(G) Licensing law and process.

(c) An applicant who possesses a master's degree from a school or department of social work that is a candidate for accreditation by the Commission on Accreditation of the Council on Social Work Education shall be eligible, and shall be required, to register as an associate clinical social worker in order to gain experience toward licensure if the applicant has not committed any crimes or acts that constitute grounds for denial of licensure under Section 480. That applicant shall not, however, be eligible for examination until the school or department of social work has received accreditation by the Commission on Accreditation of the Council on Social Work Education.

(d) All applicants and registrants shall be at all times under the supervision of a supervisor who shall be responsible for ensuring that the extent, kind, and quality of counseling performed is consistent with the training and experience of the person being supervised, and who shall be

responsible to the board for compliance with all laws, rules, and regulations governing the practice of clinical social work.

(e) Any experience obtained under the supervision of a spouse or relative by blood or marriage shall not be credited toward the required hours of supervised experience. Any experience obtained under the supervision of a supervisor with whom the applicant has a personal relationship that undermines the authority or effectiveness of the supervision shall not be credited toward the required hours of supervised experience.

(f) An applicant who possesses a master's degree from an accredited school or department of social work shall be able to apply experience the applicant obtained during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education toward the licensure requirements, if the experience meets the requirements of Section 4996.23. This subdivision shall apply retroactively to persons who possess a master's degree from an accredited school or department of social work and who obtained experience during the time the accredited school or department was in candidacy status by the Commission on Accreditation of the Council on Social Work Education.

(g) An applicant for registration or licensure trained in an educational institution outside the United States shall demonstrate to the satisfaction of the board that he or she possesses a master's of social work degree that is equivalent to a master's degree issued from a school or department of social work that is accredited by the Commission on Accreditation of the Council on Social Work Education. These applicants shall provide the board with a comprehensive evaluation of the degree and shall provide any other documentation the board deems necessary. The board has the authority to make the final determination as to whether a degree meets all requirements, including, but not limited to, course requirements regardless of evaluation or accreditation.

(h) A registrant shall not provide clinical social work services to the public for a fee, monetary or otherwise, except as an employee.

(i) A registrant shall inform each client or patient prior to performing any professional services that he or she is unlicensed and is under the supervision of a licensed professional.

§4996.23. SUPERVISED POST-MASTER'S EXPERIENCE CRITERIA EFFECTIVE JANUARY 1, 2002

(a) To qualify for licensure as specified in Section 4996.2, each applicant shall complete 3,200 hours of post-master's degree supervised experience related to the practice of clinical social work. The experience shall comply with the following:

(1) At least 1,700 hours shall be gained under the supervision of a licensed clinical social worker. The remaining required supervised experience may be gained under the supervision of a licensed mental health professional acceptable to the board as defined by a regulation adopted by the board.

(2) A minimum of 2,000 hours in clinical psychosocial diagnosis, assessment, and treatment, including psychotherapy or counseling.

(3) A maximum of 1,200 hours in client centered advocacy, consultation, evaluation, research, direct supervisor contact, and workshops, seminars, training sessions, or conferences directly related to clinical social work that have been approved by the applicant's supervisor.

(4) Of the 2,000 clinical hours required in paragraph (2), no less than 750 hours shall be face-to-face individual or group psychotherapy provided to clients in the context of clinical social work services.

(5) A minimum of two years of supervised experience is required to be obtained over a period of not less than 104 weeks and shall have been gained within the six years immediately preceding the date on which the application for licensure was filed.

(6) Experience shall not be credited for more than 40 hours in any week.

(b) An individual who submits an application for examination eligibility between January 1, 2016, and December 31, 2020, may alternatively qualify under the experience requirements that were in place on January 1, 2015.

(c) "Supervision" means responsibility for, and control of, the quality of clinical social work services being provided. Consultation or peer discussion shall not be considered to be supervision.

(d) (1) Prior to the commencement of supervision, a supervisor shall comply with all requirements enumerated in Section 1870 of Title 16 of the California Code of Regulations and shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" form.

(2) Supervised experience shall include at least one hour of direct supervisor contact for a minimum of 104 weeks. For purposes of this subdivision, "one hour of direct supervisor contact" means one hour per week of face-to-face contact on an individual basis or two hours of face-to-face contact in a group conducted within the same week as the hours claimed.

(3) An associate shall receive at least one additional hour of direct supervisor contact for every week in which more than 10 hours of face-to-face psychotherapy is performed in each setting in which experience is gained. No more than six hours of supervision, whether individual or group, shall be credited during any single week.

(4) Supervision shall include at least one hour of direct supervisor contact during each week for which experience is gained in each work setting. Supervision is not required for experience gained attending workshops, seminars, training sessions, or conferences as described in paragraph (3) of subdivision (a).

(5) The six hours of supervision that may be credited during any single week pursuant to paragraph (3) shall apply only to supervision hours gained on or after January 1, 2010.

(6) Group supervision shall be provided in a group of not more than eight supervisees and shall be provided in segments lasting no less than one continuous hour.

(7) Of the 104 weeks of required supervision, 52 weeks shall be individual supervision, and of the 52 weeks of required individual supervision, not less than 13 weeks shall be supervised by a licensed clinical social worker.

(8) Notwithstanding paragraph (2), an associate clinical social worker working for a governmental entity, school, college, or university, or an institution that is both a nonprofit and charitable institution, may obtain the required weekly direct supervisor contact via live two-way videoconferencing. The supervisor shall be responsible for ensuring that client confidentiality is preserved.

(e) The supervisor and the associate shall develop a supervisory plan that describes the goals and objectives of supervision. These goals shall include the ongoing assessment of strengths and limitations and the assurance of practice in accordance with the laws and regulations. The

associate shall submit to the board the initial original supervisory plan upon application for licensure.

(f) Experience shall only be gained in a setting that meets both of the following:

(1) Lawfully and regularly provides clinical social work, mental health counseling, or psychotherapy.

(2) Provides oversight to ensure that the associate's work at the setting meets the experience and supervision requirements set forth in this chapter and is within the scope of practice for the profession as defined in Section 4996.9.

(g) Experience shall not be gained until the applicant has been registered as an associate clinical social worker.

(h) Employment in a private practice as defined in subdivision (i) shall not commence until the applicant has been registered as an associate clinical social worker.

(i) A private practice setting is a setting that is owned by a licensed clinical social worker, a licensed marriage and family therapist, a licensed psychologist, a licensed professional clinical counselor, a licensed physician and surgeon, or a professional corporation of any of those licensed professions.

(j) If volunteering, the associate shall provide the board with a letter from his or her employer verifying his or her voluntary status upon application for licensure.

(k) If employed, the associate shall provide the board with copies of his or her W-2 tax forms for each year of experience claimed upon application for licensure.

(l) While an associate may be either a paid employee or volunteer, employers are encouraged to provide fair remuneration to associates.

(m) An associate shall not do the following:

(1) Receive any remuneration from patients or clients and shall only be paid by his or her employer.

(2) Have any proprietary interest in the employer's business.

(3) Lease or rent space, pay for furnishings, equipment, or supplies, or in any other way pay for the obligations of his or her employer.

(n) An associate, whether employed or volunteering, may obtain supervision from a person not employed by the associate's employer if that person has signed a written agreement with the employer to take supervisory responsibility for the associate's social work services.

(o) Notwithstanding any other provision of law, associates and applicants for examination shall receive a minimum of one hour of supervision per week for each setting in which he or she is working.

§4996.24. SUPERVISION OF REGISTRANTS; MAXIMUM NUMBER OF REGISTRANTS

(a) A licensee in private practice who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations may supervise or employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker in that private practice.

(b) A licensed clinical social workers' corporation may employ, at any one time, no more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker for each employee or shareholder who has satisfied the requirements of Section 1870 of Title 16 of the California Code of Regulations.

(c) In no event shall any licensed clinical social workers' corporation employ, at any one time, more than a total of 15 individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. In no event shall any supervisor supervise, at any one time, more than a total of three individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker. Persons who supervise individuals registered as either a marriage and family therapist intern, clinical counselor intern, or associate clinical social worker shall be employed full time by the licensed clinical social workers' corporation and shall be actively engaged in performing professional services at and for the licensed clinical social workers' corporation. Employment and supervision within the licensed clinical social workers' corporation shall be subject to all laws and regulations governing experience and supervision gained in a private practice setting.

§1870. REQUIREMENTS FOR ASSOCIATE CLINICAL SOCIAL WORKER SUPERVISORS

Any person supervising an associate clinical social worker registered with the board (hereinafter called "supervisor") within California shall comply with the requirements set forth below.

(a) Prior to the commencement of any therapy or supervision, the supervisor shall sign under penalty of perjury the "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522), hereby incorporated by reference, which requires that:

- (1) The supervisor possesses and will maintain a current valid California license as a licensed clinical social worker or a licensed mental health professional acceptable to the Board as specified in Section 1874.
- (2) The supervisor has been so licensed in California or in any other state for a total of at least two (2) years prior to commencing any supervision.
- (3) The supervisor has and will maintain a current license in good standing and will immediately notify the associate of any disciplinary action, including revocation, suspension (even if stayed), probation terms, inactive license, or any lapse in licensure, that affects the supervisor's ability or right to supervise.
- (4) The supervisor has practiced psychotherapy or provided direct supervision of associates, or marriage and family therapist interns or trainees who perform psychotherapy for at least two (2) years within the last five (5) years immediately preceding supervision.
- (5) The supervisor has had sufficient experience, training and education in the area of clinical supervision to competently supervise associates.
 - (A) Persons licensed by the board who provide supervision shall have a minimum of fifteen (15) contact hours in supervision training obtained from a state agency or approved continuing education provider. This training may apply towards the approved continuing education requirements set forth in Sections

4980.54, 4996.22, and 4999.76 of the Code. The content of such training shall include, but not be limited to:

(i) Familiarity with supervision literature through reading assignments specified by course instructors;

(ii) Facilitation of therapist-client and supervisor-therapist relationships;

(iii) Evaluation and identification of problems in therapist-client and supervisor-therapist relationships;

(iv) Structuring to maximize supervision, including times and conditions of supervision sessions, problem solving ability, and implementing supervisor interventions within a range of supervisory modalities including live, videotape, audiotape, and case report methods;

(v) Knowledge of contextual variables such as culture, gender, ethnicity, and economic issues; and

(vi) The practice of clinical social work, including the mandated reporting laws, and knowledge of ethical and legal issues.

(6) The supervisor knows and understands the laws and regulations pertaining to both supervision of associates and the experience required for licensure as a clinical social worker.

(7) The supervisor shall do all of the following:

(A) Ensure that the extent, kind and quality of clinical social work performed by the associate is consistent with the training and experience of the person being supervised.

(B) Review client/patient records and monitor and evaluate assessment and treatment decisions of the associate clinical social worker.

(C) Monitor and evaluate the ability of the associate to provide services at the site(s) where he or she will be practicing and to the particular clientele being served.

(D) Ensure compliance with all laws and regulations governing the practice of clinical social work.

(8) The supervisor and the associate shall develop the "Supervisory Plan" as described in Section 1870.1. The associate shall submit the original signed plan for each supervisor to the board upon application for licensure.

(9) The supervisor shall provide the associate with the original, signed "Responsibility Statement for Supervisors of an Associate Clinical Social Worker" (revised 3/10, form #1800 37A-522), prior to commencement of any supervision. The associate shall provide the board with the original signed form for each supervisor upon application for licensure.

(10) A supervisor shall give at least one (1) week's written notice to an associate of the supervisor's intent not to sign for any further hours of experience for such person. A

supervisor who has not provided such notice shall sign for hours of experience obtained in good faith where such supervisor actually provided the required supervision.

(11) The supervisor shall complete an assessment of the ongoing strengths and limitations of the associate. The assessments shall be completed at least once a year and at the completion or termination of supervision. A copy of all assessments shall be provided to the associate by the supervisor.

(12) Upon written request of the board, the supervisor shall provide to the board any documentation which verifies the supervisor's compliance with the requirements set forth in this section.

(b) The board shall not deny hours of experience gained toward licensure by any associate due to the failure of his or her supervisor to complete the training requirements specified in subsection (a)(4)(A).

Note: Authority cited: Section 4980.60 and 4990.20, Business and Professions Code. Reference: Sections 4980.54, 4996.22 and 4996.23, Business and Professions Code.

§1870.1. SUPERVISORY PLAN

(a) On and after January 1, 1999, all associate clinical social workers and licensed clinical social workers or licensed mental health professionals acceptable to the board as defined in Section 1874 who assume responsibility for providing supervision shall develop a supervisory plan that describes the goals and objectives of supervision and shall complete and sign under penalty of perjury the "Supervisory Plan", (form no. 1800 37A-521, revised 3/10), hereby incorporated by reference.

(b) This supervisory plan shall be completed by each supervisor providing supervision and the original signed plan shall be submitted by the associate clinical social worker to the board upon application for licensure.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Sections 4996.18 and 4996.23, Business and Professions Code.

§1874. DEFINITION OF ACCEPTABLE MENTAL HEALTH PROFESSIONALS

For purposes of Section 4996.23 (a), a licensed mental health professional acceptable to the board is one who, at the time of supervision, has possessed for at least two years a valid license as a psychologist, marriage and family therapist, licensed professional clinical counselor or physician certified in psychiatry by the American Board of Psychiatry and Neurology.

Note: Authority cited: Section 4990.20, Business and Professions Code. Reference: Section 4996.23, Business and Professions Code.

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To: Policy and Advocacy Committee Members **Date:** September 14, 2016
From: Christy Berger
Regulatory Analyst **Telephone:** (916) 574-7897
Subject: **Death or Incapacitation of a Supervisor**

Occasionally, an applicant who is in the process of gaining supervised experience hours, or who has completed all supervised experience hours and is preparing to apply for licensure, learns that one of his or her supervisors is now deceased, or is incapacitated to the point that they cannot verify the applicant's experience.

This is problematic for the applicant if the required signatures were not obtained from the supervisor prior to this time.

Required Proof of Supervised Experience

The following are required to be submitted with an application for licensure as proof of completed supervised experience (using LPCC applicants as an example):

- *Supervisor Responsibility Statement:* Must be signed by the supervisor and given to the applicant prior to the commencement of any counseling or supervision (see Attachment A).
- *Supervisory Plan:* Must be signed by the supervisor and given to the applicant prior to the commencement of any counseling or supervision (see Attachment B).
- *Experience Verification:* The supervisor is supposed to sign off on supervised experience at the completion or termination of supervision (see Attachment C).

In addition, applicants must maintain a *Weekly Summary of Experience Hours*, signed by the supervisor weekly (see Attachment D). The applicant does not submit this log to the Board except upon request.

Current Practice When Supervisor is Deceased or Incapacitated

Currently, in cases where an applicant's supervisor dies or is incapacitated before all paperwork is complete, board staff reviews documentation on a case by case basis in order to determine if it can accept the experience hours. The Board recommends the applicant submit all of the following for consideration:

- The previously signed, original *Supervisor Responsibility Statement* and *Supervisory Plan*
- The previously signed, original *Weekly Summary of Hours of Experience* logs
- Documentation by the employer verifying employment of the supervisor and supervisee
- The letter of agreement for supervision if the supervisor was not employed by the employer.

However, there is nothing specifically in law outlining acceptable methods of verifying supervised experience, in lieu of a supervisor's signature, should the supervisor pass away or become incapacitated.

Recommendation

The Supervision Committee developed the proposed language shown in Attachment E. The Policy and Advocacy Committee should conduct an open discussion regarding the proposed language, make necessary changes, and bring it to the full Board for consideration.

ATTACHMENTS:

Attachment A: *Responsibility Statement for Supervisors of a Professional Clinical Counselor Intern*

Attachment B: *Supervisory Plan*

Attachment C: *LPCC Experience Verification*

Attachment D: *LPCC Weekly Summary of Experience Hours*

Attachment E: *Proposed Language*



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**RESPONSIBILITY STATEMENT FOR SUPERVISORS
 OF A PROFESSIONAL CLINICAL COUNSELOR INTERN**

Title 16, California Code of Regulations (16 CCR) Section 1821 requires any qualified licensed mental health professional who assumes responsibility for providing supervision to those working toward a Professional Clinical Counselor (PCC) license to complete and sign, under penalty of perjury, the following statement prior to the commencement of any counseling or supervision.

Name of PCC Intern:	Last	First	Middle
Name of Qualified Supervisor:		Qualified Supervisor's Daytime Telephone Number:	

As the supervisor:

- 1) I am licensed in California and have been so licensed for at least two years prior to commencing this supervision. (16 CCR § 1821)(b)(1) and Business and Professions Code (BPC) § 4999.12(h)(1))

A. The license I hold is:

Licensed Professional Clinical Counselor

_____	_____
<i>License #</i>	<i>Issue Date</i>

Marriage and Family Therapist

_____	_____
<i>License #</i>	<i>Issue Date</i>

Licensed Clinical Social Worker

_____	_____
<i>License #</i>	<i>Issue Date</i>

*Licensed Clinical Psychologist

_____	_____
<i>License #</i>	<i>Issue Date</i>

*Licensed Physician and Surgeon who is certified in psychiatry by the American Board of Psychiatry and Neurology

_____	_____
<i>License #</i>	<i>Issue Date</i>

- **B. I have had sufficient experience, training, and education in professional clinical counseling to competently practice professional clinical counseling in California. (16 CCR§ 1821(b)(2))

C. I will keep myself informed about developments in professional clinical counseling and in California law governing the practice of professional clinical counseling. (16 CCR § 1821(b)(3))

- 2) I have and maintain a current and valid license in good standing and will immediately notify any intern under my supervision of any disciplinary action taken against my license, including revocation or suspension, even if stayed, probation terms, inactive license status, or any lapse in licensure, that affects my ability or right to supervise. (16 CCR § 1821(b)(4))
- 3) I have practiced psychotherapy or provided direct supervision of trainees, interns, or associate clinical social workers who perform psychotherapy for at least two (2) years within the five (5) year period immediately preceding this supervision. (16 CCR § 1821(b)(5))
- 4) I have had sufficient experience, training, and education in the area of clinical supervision to competently supervise interns. (16 CCR § 1821(b)(6))
- 5) I have completed six (6) hours of supervision training or coursework within the two-year period immediately preceding this supervision, and must complete such coursework in each renewal period while supervising. If I have not completed such training or coursework, I will complete a minimum of six (6) hours of supervision training or coursework within sixty (60) days of the commencement of this supervision, and in each renewal period while providing supervision. (16 CCR § 1821(b)(6)(A) and (B))
- 6) I know and understand the laws and regulations pertaining to both the supervision of interns and the experience required for licensure as a licensed professional clinical counselor. (16 CCR § 1821(b)(7))

- 7) I shall ensure that the extent, kind, and quality of counseling performed is consistent with the education, training, and experience of the intern. (16 CCR § 1821(b)(8))
- 8) I shall monitor and evaluate the extent, kind, and quality of counseling performed by the intern by direct observation, review of audio or video tapes of therapy, review of progress and process notes and other treatment records, or by any other means deemed appropriate. (16 CCR § 1821(b)(9))
- 9) I shall address with the intern the manner in which emergencies will be handled. (16 CCR § 1821(b)(10))
- 10) I agree not to provide supervision to an intern unless the intern is a volunteer or employed in a setting that meets both of the following: (A) lawfully and regularly provides mental health counseling or psychotherapy; (B) provides oversight to ensure that the intern's work at the setting meets the experience and supervision requirements and is within the scope of practice for the profession as defined in BPC Section 4999.20. (BPC § 4999.44)
- 11) If I am to provide supervision on a voluntary basis in a setting which is not a private practice, a written agreement will be executed between myself and the organization in which the employer acknowledges that they are aware of the licensing requirements that must be met by the intern, they agree not to interfere with my legal and ethical obligations to ensure compliance with these requirements, and they agree to provide me with access to clinical records of the clients counseled by the intern. (16 CCR § 1820(e)(3))
- 12) I shall give at least (1) one week's prior written notice to an intern of my intent not to sign for any further hours of experience for such person. If I have not provided such notice, I shall sign for hours of experience obtained in good faith where I actually provided the required supervision. (16 CCR § 1821(d))
- 13) I shall obtain from each intern for whom supervision will be provided, the name, address, and telephone number of the intern's most recent supervisor and employer. (16 CCR § 1821(e))
- 14) In any setting that is not a private practice, I shall evaluate the site(s) where an intern will be gaining hours of experience toward licensure and shall determine that: (1) the site(s) provides experience which is within the scope of practice of a licensed professional clinical counselor; and (2) the experience is in compliance with the requirements set forth in 16 CCR Section 1820 and 4999.44 of the Code. (16 CCR § 1821(f))
- 15) Upon written request of the Board, I shall provide to the board any documentation which verifies my compliance with the requirements set forth in 16 CCR Section 1821. (16 CCR § 1821(g))
- 16) I shall provide the intern with the original of this signed statement prior to the commencement of any counseling or supervision. (16 CCR § 1821(c))

I declare under penalty of perjury under the laws of the State of California that I have read and understand the foregoing and that I meet all criteria stated herein and that the information submitted on this form is true and correct.

Printed Name of Qualified Supervisor

Signature of Qualified Supervisor

Date

Mailing Address: Number and Street

City

State

Zip Code

The supervisor shall provide the intern being supervised with the original of this signed statement prior to the commencement of any counseling or supervision.

The intern shall submit this form to the board upon application for examination eligibility.

* Licensed Clinical Psychologists and Physicians certified in psychiatry are not required to comply with #5.

** Applies only to supervisors NOT licensed as a Licensed Professional Clinical Counselor.



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SUPERVISORY PLAN

Title 16, California Code of Regulations (CCR) Sections 1870.1 and 1822 require all associate clinical social workers and professional clinical counselor interns and licensed mental health professionals acceptable to the Board as defined in Business and Professions Code Section 4996.23(a), 4999.12(h), and CCR Section 1874, who assume responsibility for providing supervision to those working toward a license as a Clinical Social Worker or Professional Clinical Counselor to complete and sign the following supervisory plan. The original signed plan shall be submitted by the registrant to the board upon application for examination eligibility.

REGISTRANT: (Please type or print clearly in ink.)

Legal name:	Last	First	Middle	Registration Number
Address:	Number and Street			
City	State		Zip Code	
Business Telephone ()	Residence Telephone ()			

LICENSED SUPERVISOR: (Please type or print clearly in ink.)

Name:	Last	First	Middle	License No:	Expiration Date:										
Employer Name:	Telephone Number: ()														
Address:	Number and Street														
City	State		Zip Code												
Employment Setting:	<table border="0"> <tr> <td>a. Private Practice <input type="checkbox"/></td> <td>d. Licensed Health Facility <input type="checkbox"/></td> </tr> <tr> <td>a. Governmental Entity <input type="checkbox"/></td> <td>e. Social Rehabilitation Facility/Community Treatment Facility <input type="checkbox"/></td> </tr> <tr> <td>b. Nonprofit and Charitable Corporation <input type="checkbox"/></td> <td>f. Pediatric Day Health and Respite Care Facility <input type="checkbox"/></td> </tr> <tr> <td>c. School, College, or University <input type="checkbox"/></td> <td>g. Licensed Alcoholism or Drug Abuse Recovery or Treatment Facility <input type="checkbox"/></td> </tr> <tr> <td></td> <td>h. Community Mental Health Facility <input type="checkbox"/></td> </tr> </table>					a. Private Practice <input type="checkbox"/>	d. Licensed Health Facility <input type="checkbox"/>	a. Governmental Entity <input type="checkbox"/>	e. Social Rehabilitation Facility/Community Treatment Facility <input type="checkbox"/>	b. Nonprofit and Charitable Corporation <input type="checkbox"/>	f. Pediatric Day Health and Respite Care Facility <input type="checkbox"/>	c. School, College, or University <input type="checkbox"/>	g. Licensed Alcoholism or Drug Abuse Recovery or Treatment Facility <input type="checkbox"/>		h. Community Mental Health Facility <input type="checkbox"/>
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c. School, College, or University <input type="checkbox"/>	g. Licensed Alcoholism or Drug Abuse Recovery or Treatment Facility <input type="checkbox"/>														
	h. Community Mental Health Facility <input type="checkbox"/>														

Briefly describe the goals and objectives:

I certify that I understand the responsibilities regarding clinical supervision, including the supervisor's responsibility to perform ongoing assessments of the supervisee, and I declare under penalty of perjury under the laws of the State of California that the information submitted on this form is true and correct.

Supervisor's Signature

Date signed

Registrant's Signature

Date signed

The **original** of this form must be submitted to the board upon application for examination eligibility.

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LICENSED PROFESSIONAL CLINICAL COUNSELOR
IN-STATE EXPERIENCE VERIFICATION
OPTION 1 – NEW STREAMLINED METHOD

This form is to be completed by the applicant's California supervisor and submitted by the applicant with his or her *Application for Licensure and Examination*. All information on this form is subject to verification.

- Use this "Option 1" form to report hours under the NEW streamlined method
- Use separate forms for each supervisor and each employment setting
- Ensure that the form is complete and correct prior to signing. Have the supervisor initial any changes.
- Do not submit your *Weekly Summary* forms unless specifically requested by the Board

APPLICANT NAME:

Last	First	Middle	Intern Number PCI
------	-------	--------	----------------------

SUPERVISOR INFORMATION:

Dates of experience being claimed:		From: _____ mm/dd/yyyy	To: _____ mm/dd/yyyy
Supervisor's Last Name		First	Middle
Address: Number and Street			
City	State	Zip Code	Business Phone
License Type	License Number	State	Date First Licensed

- If a Physician, were you certified in Psychiatry by the American Board of Psychiatry and Neurology during the entire period of supervision? N/A Yes: Date Board Certified: _____
 No Certification #: _____
- If a LPCC, did you meet the qualifications to treat couples and families during the entire period of supervision, as specified in California law? N/A Yes: Date you met the qualifications: _____
 No _____

Applicant:	Last	First	Middle
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APPLICANT'S EMPLOYER INFORMATION:

Name of Applicant's Employer		Business Phone	
Address	Number and Street	City	State Zip Code

1. Was this experience gained in a setting that lawfully and regularly provides mental health counseling or psychotherapy? Yes No
2. Was this experience gained in a private practice setting? Yes No
3. Was this experience gained in a hospital or community mental health setting? Yes No
4. Was this experience gained in a setting that provided oversight to ensure that the applicant's work meets the experience and supervision requirements and is within the scope of practice? Yes No
5. Was the applicant receiving pay? *If YES, attach a copy of the applicant's W-2 statement for each year experience is claimed. If a W-2 has not yet issued for this year, attach a copy of the current paystub. If applicant volunteered, submit a letter from the employer verifying volunteer status for these dates.* Yes No

EXPERIENCE INFORMATION:

1. How many weeks of supervised experience are being claimed? _____ weeks		
2. Hours of Experience:		Logged Hours
a. Total Direct Counseling Experience <i>(Minimum 1,750 hours)</i>		
<ul style="list-style-type: none"> • Of the above hours, how many were gained while working with Couples, Families and Children? 		
b. Total Non-Clinical Experience <i>(Maximum 1,250 hours)</i>		
<ul style="list-style-type: none"> • Of the above hours, how many were Face-to-face supervision? 		
	Hours per week	Logged Hours
Individual		
Group (group contained no more than 8 persons)		

NOTE: Knowingly providing false information or omitting pertinent information may be grounds for denial of the application. The Board may take disciplinary action on a licensee who helps an applicant obtain a license by fraud, deceit or misrepresentation.

Signature of Supervisor: _____ Date: _____
ORIGINAL SIGNATURE REQUIRED



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PROFESSIONAL CLINICAL COUNSELOR INTERN WEEKLY SUMMARY OF EXPERIENCE HOURS

OPTION 1 – NEW STREAMLINED METHOD

Use a separate log for each work setting

Name of Intern: Last	First	Middle
Supervisor Name	Name of Work Setting	
Address of Work Setting		Is this a hospital or community mental health setting? Yes <input type="checkbox"/> No <input type="checkbox"/>
Indicate your status when the hours below are logged:		BBS File #: _____
<input type="checkbox"/> Intern Application Pending	<input type="checkbox"/> Registered Intern - PCI Number: _____	
YEAR _____	WEEK OF:	Total Hours
A. Direct Counseling with Individuals, Groups, Couples or Families		
B. Non-Clinical Experience**		
<i>B1. Supervision, Individual*</i>		
<i>B2. Supervision, Group*</i>		
C. Total Hours Per Week (A + B = C) (Maximum 40 hours / week)		
Of the above hours, how many included working with Couples, Families or Children?		
Supervisor Signature		

* Lines B1 and B2 are sub-categories of line "B." When totaling weekly hours do not include the subcategories - use the formula found in box "C."

**Non-Clinical Experience includes: Supervision, psychological testing, writing clinical reports, writing progress or process notes, client-centered advocacy, and workshops, seminars, training sessions or conferences.

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§1815.8. DOCUMENTATION OF SUPERVISED EXPERIENCE: DECEASED OR INCAPACITATED SUPERVISOR

(a) The Board, in its sole discretion, may accept documentation of supervised experience that has not been signed by the supervisor, if the supervisor is deceased or incapacitated. Documentation that the applicant may provide to the Board for consideration includes, but is not limited to, the following:

- (1) Evidence satisfactory to the Board that the supervisor is deceased or incapacitated;
- (2) All supervision documentation which had previously been signed by the supervisor;
- (3) Documentation from the employer verifying the employment of the supervisor and supervisee; or, if the supervisor was not employed by the organization, the written supervision agreement executed between the supervisor and the organization.

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To: Committee Members **Date:** June 17, 2016
From: Christy Berger and Rosanne Helms **Telephone:** (916) 574-7897
Regulatory/Legislative Analysts
Subject: Discussion and Review of 6-Year Limit on Experience Hours and Intern/Associate Registrations

Introduction

LCSW, LMFT and LPCC statutes set forth the following 6-year limits that impact supervised experience:

1. Age of Experience Hours

Hours of supervised experience must be completed during the 6-year period prior to submitting the application for licensure (aka examination eligibility). Otherwise, the hours do not count. (There is one exception to this –for LMFT applicants, the 500 hours of clinical experience gained in supervised practicum as a trainee is exempt from the 6-year requirement.) (BPC §§4980.43, 4980.72, 4996.23, 4999.46, 4999.60)

2. Length of Intern / ASW Registration

An Intern or ASW registration may be renewed 5 times, so can be held for a total of 6 years. If the supervised experience has not been completed (or if the employer requires it, etc.) a new registration may be obtained. However, those issued a subsequent registration are NOT permitted to work in a private practice setting. There are no exceptions. (BPC §§4984.01, 4996.28, 4999.100)

While LEP law is structured a bit differently, it has a similar limitation. It does not require registration with the Board in order to gain experience toward licensure. However, LEP law requires two years of full-time experience as a credentialed school psychologist in public schools as a condition of licensure. This experience must have been obtained no more than 6 years prior to application for licensure. (BPC §4989.20)

Background

Based on the information available, it appears that both the LMFT and LCSW programs have always limited the length of registrations, initially to five (5) years. It was increased in 1986 to six (6) years.¹ Documentation of the specific rationale for implementing time limits on registrations and hours of

¹ AB 3657 (Chapter 1365, Statutes of 1986)

experience cannot be located. It can be reasonably assumed that the purpose of the limits were as follows:

- *Six year limit on age of hours of experience* – This requirement may have been implemented to help ensure that newly licensed therapists have recent relevant experience.
- *Six year length of initial Intern/ASW registration* - Encourages people to continue progressing through the licensing process and frees up supervisors to supervise others. Limits the use of the registration in an unintended manner, such as solely for employment purposes.
- *Private Practice Limit* – Prevents registrants from working in private practice perpetually without ever becoming licensed. Frees up potential private practice supervisors so that others may gain private practice experience.

Stakeholder Feedback

The Committee may wish to review these two laws as separate, but connected requirements. The following information should assist the committee in its review.

Stakeholder Feedback and Past BBS Research

The following stakeholder feedback has been received regarding the time limits:

Arguments in Support of the 6-year Age Limits:

- *The majority of applicants do not have a problem completing hours within four years (see below).*
- *The six-year limit is important in agency settings, as many agencies do not have the funding or staffing to continue providing the necessary supervision on a more permanent basis.*

Arguments Against the 6-year Limits:

- *Some people take longer than 6 years to gain the required supervised experience.*
 - Staff Research - LMFT: in late 2014, data was compiled on 100 LMFT applicants who recently completed their experience hours. Of those sampled:
 - **78%** were able to obtain their post-degree hours in **less than 4 years** from the date of graduation (*does NOT include pre-degree hours*).
 - The **average** length of time to complete the experience was **3.4 years**.
 - The **median** length was **3 years** (NOTE: the median gives a better picture of middle values and gives less weight to extreme cases).
 - Staff Research – LCSW: In 2008, staff researched the time taken from graduation to examination eligibility for 100 ASWs. Of those sampled:
 - **81%** were able to obtain their hours in **less than 4 years**
 - The **average** ASW is able to complete the experience within **3.1 years**
 - The **median** length was **2.8 years**.

These averages have remained fairly consistent over time, and staff does not believe there are currently any unique circumstances that are leading to increases in these times. Recent changes to law, such as elimination of the “buckets” of various experience hour requirements for LMFT and

LPCC applicants, and an upcoming legislative proposal from the Board to allow triadic supervision, will likely make it easier to obtain the required supervised experience in a shorter timeframe.

- *The law does not allow applicants to obtain an extension to the 6 years for any reason, and does not take the following situations reported by applicants into account:*
 - Being unable to find a full time job (more common in certain regions of the state)
 - Can only earn hours on a part-time basis because the internship is unpaid (or for health reasons, caregiving responsibilities, etc.)
 - Attending to personal matters such as serious illness, caregiving responsibilities, or the birth of a child.
- *In a private practice, therapy has to be prematurely terminated if the intern's initial six-year registration runs out, even if the intern's client wishes to continue with the intern.*

Other States and the Board of Psychology

In October 2014 Staff reviewed the experience requirements for the 10 states previously surveyed regarding experience requirements. The findings were as follows:

State	Experience Requirements	Limit on Age of Hours	Limit on Intern Registration
Colorado	2 years	None	4 years
Florida	2 years	None	None
Illinois	2 years	None	None
Indiana	2 years	None	None
New York	2-3 years (depending on license type)	None BUT all hours must be gained within a single 6-year period	None
Ohio	2 years	None	None
Oregon	2-3 years (depending on license type)	25% of hours must be within 5 years prior to application for licensure AND All hours must be gained within a single 5-year period	None
South Carolina	2 years	None	None
Texas	2 years	5 years prior to application for licensure	5 years
Washington	2-3 years (depending on license type)	None	6 years

In 2010, the Board of Psychology passed a regulation that limited the length of a Psychological Assistant registration to a total of 6 years, due to concerns that the registration was being used by some as a career of its own rather than for the purpose of gaining licensure. The Board of Psychology does not require experience hours to be gained within a particular period of time.

Previous Committee Discussion

The 6-year limits on experience hours were previously discussed by the by the Policy and Advocacy Committee in September 2010 and March 2011, and more recently by the Supervision Committee at its October 2014 meeting.

At the 2014 Supervision Committee meeting, Board members and stakeholders expressed that the exam restructure and elimination of the “buckets” of various experience hour requirements may help interns and associates obtain licensure in less time.

The Committee and stakeholders expressed interest in allowing an extension of the 6 year limit to count hours for individuals who could document that they had suffered an extreme hardship that was out of their control, such as a severe illness, needing to provide care for a family member with a severe illness, or being deployed by the military.

The Board currently has a regulation which allows an exception from continuing education requirements for licensees who have been serving in the military, lived abroad, experienced an illness, or been a caretaker for a family member experiencing an illness, during their renewal cycle. **Attachment A** shows potential draft language allowing for an exception for the six year limit on age of experience hours, which is modeled after the continuing education exception language.

If the committee wishes to utilize the language in **Attachment A**, it should also discuss Government Code Section 12926 (**Attachment B**). This section is referenced in the current continuing education exception language, and it defines what constitutes a “medical condition,” mental disability,” and “physical disability” to qualify for an exception. The Committee should discuss whether these definitions are also appropriate for use when considering an exception for age of experience hours.

Recommendation

Conduct an open discussion on the following:

1. The six year limit on the age of hours of experience; and
2. The six year length of the initial registration number, and the inability of a registrant to work in a private practice after this period has ended.
3. The proposed language shown in **Attachment A**.

Attachments

Attachment A: Proposed Language

Attachment B: Government Code Section 12926

Attachment A Proposed Language

ADD § _____ EXCEPTIONS FROM SIX YEAR LIMIT ON AGE OF EXPERIENCE HOURS

(a) Notwithstanding any other provision of law, the board may, at its sole discretion, allow an applicant for licensure to be credited with experience obtained more than six years prior to the date of application for licensure. To qualify for consideration, the applicant for licensure shall submit a written request for exception from the six year limit on age of experience hours, providing evidence, satisfactory to the board, of one of the following:

(1) For at least three (3) of the past six (6) years immediately prior to the date the application was filed, the applicant for licensure was absent from California due to his or her military service; or

(2) For at least three (3) of the past six (6) years immediately prior to the date the application was filed, the applicant for licensure or an immediate family member, including a domestic partner, where the applicant for licensure is the primary caregiver for that family member, had a physical or mental disability or medical condition as defined in Section 12926 of the Government Code. The physical or mental disability or medical condition must be verified by a licensed physician or psychologist with expertise in the area of the physical or mental disability or medical condition. Verification of the physical or mental disability or medical condition must be submitted by the applicant for licensure on a form entitled "Request for Exception from Six Year Limit on Age of Experience Hours– Verification of Disability or Medical Condition."

(b) The board will notify the applicant for licensure within thirty (30) working days after receipt of the request whether the request was granted, and the terms of the exception.

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ATTACHMENT B

Government Code Section 12926.

As used in this part in connection with unlawful practices, unless a different meaning clearly appears from the context:

(a) "Affirmative relief" or "prospective relief" includes the authority to order reinstatement of an employee, awards of backpay, reimbursement of out-of-pocket expenses, hiring, transfers, reassignments, grants of tenure, promotions, cease and desist orders, posting of notices, training of personnel, testing, expunging of records, reporting of records, and any other similar relief that is intended to correct unlawful practices under this part.

(b) "Age" refers to the chronological age of any individual who has reached his or her 40th birthday.

(c) "Employee" does not include any individual employed by his or her parents, spouse, or child, or any individual employed under a special license in a nonprofit sheltered workshop or rehabilitation facility.

(d) "Employer" includes any person regularly employing five or more persons, or any person acting as an agent of an employer, directly or indirectly, the state or any political or civil subdivision of the state, and cities, except as follows:

"Employer" does not include a religious association or corporation not organized for private profit.

(e) "Employment agency" includes any person undertaking for compensation to procure employees or opportunities to work.

(f) "Essential functions" means the fundamental job duties of the employment position the individual with a disability holds or desires. "Essential functions" does not include the marginal functions of the position.

(1) A job function may be considered essential for any of several reasons, including, but not limited to, any one or more of the following:

(A) The function may be essential because the reason the position exists is to perform that function.

(B) The function may be essential because of the limited number of employees available among whom the performance of that job function can be distributed.

(C) The function may be highly specialized, so that the incumbent in the position is hired for his or her expertise or ability to perform the particular function.

(2) Evidence of whether a particular function is essential includes, but is not limited to, the following:

(A) The employer's judgment as to which functions are essential.

(B) Written job descriptions prepared before advertising or interviewing applicants for the job.

(C) The amount of time spent on the job performing the function.

(D) The consequences of not requiring the incumbent to perform the function.

(E) The terms of a collective bargaining agreement.

(F) The work experiences of past incumbents in the job.

(G) The current work experience of incumbents in similar jobs.

(g) (1) “Genetic information” means, with respect to any individual, information about any of the following:

(A) The individual’s genetic tests.

(B) The genetic tests of family members of the individual.

(C) The manifestation of a disease or disorder in family members of the individual.

(2) “Genetic information” includes any request for, or receipt of, genetic services, or participation in clinical research that includes genetic services, by an individual or any family member of the individual.

(3) “Genetic information” does not include information about the sex or age of any individual.

(h) “Labor organization” includes any organization that exists and is constituted for the purpose, in whole or in part, of collective bargaining or of dealing with employers concerning grievances, terms or conditions of employment, or of other mutual aid or protection.

(i) “Medical condition” means either of the following:

(1) Any health impairment related to or associated with a diagnosis of cancer or a record or history of cancer.

(2) Genetic characteristics. For purposes of this section, “genetic characteristics” means either of the following:

(A) Any scientifically or medically identifiable gene or chromosome, or combination or alteration thereof, that is known to be a cause of a disease or disorder in a person or his or her offspring, or that is determined to be associated with a statistically increased risk of development of a disease or disorder, and that is presently not associated with any symptoms of any disease or disorder.

(B) Inherited characteristics that may derive from the individual or family member, that are known to be a cause of a disease or disorder in a person or his or her offspring, or that are determined to be associated with a statistically increased risk of development of a disease or disorder, and that are presently not associated with any symptoms of any disease or disorder.

(j) “Mental disability” includes, but is not limited to, all of the following:

(1) Having any mental or psychological disorder or condition, such as intellectual disability, organic brain syndrome, emotional or mental illness, or specific learning disabilities, that limits a major life activity. For purposes of this section:

(A) "Limits" shall be determined without regard to mitigating measures, such as medications, assistive devices, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(B) A mental or psychological disorder or condition limits a major life activity if it makes the achievement of the major life activity difficult.

(C) "Major life activities" shall be broadly construed and shall include physical, mental, and social activities and working.

(2) Any other mental or psychological disorder or condition not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a mental or psychological disorder or condition described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any mental condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a mental or psychological disorder or condition that has no present disabling effect, but that may become a mental disability as described in paragraph (1) or (2).

"Mental disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(k) "Military and veteran status" means a member or veteran of the United States Armed Forces, United States Armed Forces Reserve, the United States National Guard, and the California National Guard.

(l) "On the bases enumerated in this part" means or refers to discrimination on the basis of one or more of the following: race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or military and veteran status.

(m) "Physical disability" includes, but is not limited to, all of the following:

(1) Having any physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss that does both of the following:

(A) Affects one or more of the following body systems: neurological, immunological, musculoskeletal, special sense organs, respiratory, including speech organs, cardiovascular, reproductive, digestive, genitourinary, hemic and lymphatic, skin, and endocrine.

(B) Limits a major life activity. For purposes of this section:

(i) "Limits" shall be determined without regard to mitigating measures such as medications, assistive devices, prosthetics, or reasonable accommodations, unless the mitigating measure itself limits a major life activity.

(ii) A physiological disease, disorder, condition, cosmetic disfigurement, or anatomical loss limits a major life activity if it makes the achievement of the major life activity difficult.

(iii) "Major life activities" shall be broadly construed and includes physical, mental, and social activities and working.

(2) Any other health impairment not described in paragraph (1) that requires special education or related services.

(3) Having a record or history of a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment described in paragraph (1) or (2), which is known to the employer or other entity covered by this part.

(4) Being regarded or treated by the employer or other entity covered by this part as having, or having had, any physical condition that makes achievement of a major life activity difficult.

(5) Being regarded or treated by the employer or other entity covered by this part as having, or having had, a disease, disorder, condition, cosmetic disfigurement, anatomical loss, or health impairment that has no present disabling effect but may become a physical disability as described in paragraph (1) or (2).

(6) "Physical disability" does not include sexual behavior disorders, compulsive gambling, kleptomania, pyromania, or psychoactive substance use disorders resulting from the current unlawful use of controlled substances or other drugs.

(n) Notwithstanding subdivisions (j) and (m), if the definition of "disability" used in the federal Americans with Disabilities Act of 1990 (Public Law 101-336) would result in broader protection of the civil rights of individuals with a mental disability or physical disability, as defined in subdivision (j) or (m), or would include any medical condition not included within those definitions, then that broader protection or coverage shall be deemed incorporated by reference into, and shall prevail over conflicting provisions of, the definitions in subdivisions (j) and (m).

(o) "Race, religious creed, color, national origin, ancestry, physical disability, mental disability, medical condition, genetic information, marital status, sex, age, sexual orientation, or military and veteran status" includes a perception that the person has any of those characteristics or that the person is associated with a person who has, or is perceived to have, any of those characteristics.

(p) "Reasonable accommodation" may include either of the following:

(1) Making existing facilities used by employees readily accessible to, and usable by, individuals with disabilities.

(2) Job restructuring, part-time or modified work schedules, reassignment to a vacant position, acquisition or modification of equipment or devices, adjustment or modifications of examinations, training materials or policies, the provision of qualified

readers or interpreters, and other similar accommodations for individuals with disabilities.

(q) “Religious creed,” “religion,” “religious observance,” “religious belief,” and “creed” include all aspects of religious belief, observance, and practice, including religious dress and grooming practices. “Religious dress practice” shall be construed broadly to include the wearing or carrying of religious clothing, head or face coverings, jewelry, artifacts, and any other item that is part of the observance by an individual of his or her religious creed. “Religious grooming practice” shall be construed broadly to include all forms of head, facial, and body hair that are part of the observance by an individual of his or her religious creed.

(r) (1) “Sex” includes, but is not limited to, the following:

(A) Pregnancy or medical conditions related to pregnancy.

(B) Childbirth or medical conditions related to childbirth.

(C) Breastfeeding or medical conditions related to breastfeeding.

(2) “Sex” also includes, but is not limited to, a person’s gender. “Gender” means sex, and includes a person’s gender identity and gender expression. “Gender expression” means a person’s gender-related appearance and behavior whether or not stereotypically associated with the person’s assigned sex at birth.

(s) “Sexual orientation” means heterosexuality, homosexuality, and bisexuality.

(t) “Supervisor” means any individual having the authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or the responsibility to direct them, or to adjust their grievances, or effectively to recommend that action, if, in connection with the foregoing, the exercise of that authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(u) “Undue hardship” means an action requiring significant difficulty or expense, when considered in light of the following factors:

(1) The nature and cost of the accommodation needed.

(2) The overall financial resources of the facilities involved in the provision of the reasonable accommodations, the number of persons employed at the facility, and the effect on expenses and resources or the impact otherwise of these accommodations upon the operation of the facility.

(3) The overall financial resources of the covered entity, the overall size of the business of a covered entity with respect to the number of employees, and the number, type, and location of its facilities.

(4) The type of operations, including the composition, structure, and functions of the workforce of the entity.

(5) The geographic separateness or administrative or fiscal relationship of the facility or facilities.

(v) "National origin" discrimination includes, but is not limited to, discrimination on the basis of possessing a driver's license granted under Section 12801.9 of the Vehicle Code.

(Amended by Stats. 2014, Ch. 452, Sec. 1. Effective January 1, 2015.)

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To: Board Members

Date: September 21, 2016

From: Rosanne Helms
Legislative Analyst

Telephone: (916) 574-7897

Subject: Legislative Update

The Legislative Update will be provided at the Policy and Advocacy Committee Meeting.

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To: Policy and Advocacy Committee Members **Date:** September 14, 2016

From: Christy Berger **Telephone:** (916) 574-7817
Regulatory Analyst

Subject: Status of Rulemaking Proposals

CURRENT REGULATORY PROPOSAL

English as a Second Language: Additional Examination Time: Add Title 16, CCR Section 1805.2

This proposal would allow the Board to grant time-and-a-half (1.5x) on a Board-administered examination to an English as a second language (ESL) applicant, if the applicant meets specific criteria demonstrating limited English proficiency.

The final proposal was approved by the Board at its meeting in November 2015. It was published in the California Regulatory Notice Register on January 1, 2016. The 45-day public comment period has ended, and the public hearing was held on February 15, 2016. This proposal is currently under review by the Business, Consumer Services and Housing Agency.

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